

Matt Bowman  
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HHS OGC  
202.868.9791  
[matthew.bowman@hhs.gov](mailto:matthew.bowman@hhs.gov)

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**From:** Wolfe, Kenneth (ACF)  
**Sent:** Wednesday, October 11, 2017 5:43 PM  
**To:** Yoest, Charmaine (OS/ASPA); Wynne, Maggie (HHS/IOS); Bowman, Matthew (HHS/OGC)  
**Cc:** Wagner, Steven (ACF); Marriott, Brian (ACF); Negri, Warren A. (ACF); Lloyd, Scott (ACF); Pilato, Anna (ACF)  
**Subject:** UAC, abortion

We have at least three media requests for comment, including BuzzFeed and the Washington Times, on the Texas UAC story. Please review the following draft response

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DRAFT – pre-decisional

(b)(5)

DRAFT – pre-decisional

For reference, here are other clips on the subject:

**The Trump administration is preventing undocumented immigrant minors from getting abortions**

Thousands of unaccompanied, undocumented immigrant minors are currently in the custody of the United States federal government, which is legally obligated to provide them with health care. In March of 2017, the Office of Refugee Resettlement announced that federally funded shelters are barred from taking “any action that facilitates” abortion for these unaccompanied minors without “direction and approval” from ORR Director Scott Lloyd. And according to the ACLU, Lloyd, a Trump nominee, is now prohibiting

minors from accessing abortion care—and instead sending them to “crisis pregnancy centers” that urge them not to terminate their pregnancies. According to the ACLU, Lloyd, the current ORR director, has personally called pregnant minors in an attempt to talk them out of terminate their pregnancies.

*Slate Magazine, NY*  
*Oct. 11, 2017*

#### **Teen detained in Texas after crossing border fights to have abortion**

Advocates for a pregnant 17-year-old girl held in a Texas facility for immigrant children who have crossed the border alone are asking a federal judge to allow her to get an abortion, over the opposition of U.S. and state officials. A federal magistrate judge in San Francisco has scheduled a hearing Wednesday on a request filed by the American Civil Liberties Union of Northern California, which accuses the U.S. Department of Health and Human Services of refusing to let the girl be taken for the procedure. Staff at the facility where she's being held refused to take her to her appointments with a doctor to seek an abortion, or let the attorney take her, even though private groups that support abortion rights have raised money for the procedure. Instead, she was taken to a crisis pregnancy center.

*Associated Press, TX*  
*Oct. 10, 2017*

#### **Court filing: Trump appointee blocks pregnant teen migrant from getting abortion**

A Trump appointee has prevented a 17-year-old migrant at a federally funded shelter in Texas from getting an abortion and directed she be sent instead to religious counseling, according to a motion filed in federal court last week. In court filings over the last few days, they've argued that changes at the Office of Refugee Resettlement are to blame and that the girl, referred to as Jane Doe, is not an isolated case. According to emails filed with the court, new ORR Director Scott Lloyd has met with a minor in federal custody to discuss her pregnancy and directed his staff to counsel girls about the risks of abortion – an early sign of how Lloyd's priorities will reflect his past work in pro-life advocacy.

*Reveal/The Center for Investigative Reporting, CA*  
*Oct. 10, 2017*

#### **Undocumented teenager seeks court authorization to access abortion services**

A pregnant, 17-year-old, undocumented immigrant is at the center of a legal dispute over whether unaccompanied immigrant minors have the right to an abortion in the United States. Jane Doe, as she's referred to in court filings, is currently at a shelter in Brownsville, in the custody of the Office of Refugee Resettlement (ORR), a federal agency responsible for refugees and unaccompanied undocumented minors. Doe is seeking an emergency court order authorizing her to access abortion services after the federal office blocked her from attending a pre-abortion medical appointment.

*Texas Tribune, TX*  
*Oct. 10, 2017*

#### **Pregnant immigrant in Texas will test abortion access**

Officials with the ACLU and Janes Due Process, a nonprofit that helps teenagers gain access to abortion, argue that Jane Doe's experience is part of a larger pattern by the Office of Refugee Resettlement, which under President Donald Trump has refused to allow unaccompanied minors to receive abortions, referring them instead to crisis pregnancy centers which counsel women against abortions, often from a religious perspective. "Trump administration officials are literally holding her hostage," ACLU lawyer Brigitte Amiri said. "The interference by government officials about the most intimate and personal decision a woman can make is horrific. It's also blatantly unconstitutional."

*Austin American-Statesman, TX*

*Oct. 10, 2017*

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A 17-year-old undocumented minor living in federal custody in Texas is being denied her right to an abortion by the federal government. American Civil Liberties Union lawyers, who call the move "shocking" and "straight from dystopian fiction" are requesting an emergency hearing Wednesday in a California federal court to grant her abortion access before she's too far along in her pregnancy. The girl, dubbed "Jane Doe" in court documents, is currently living in a Brownsville facility for undocumented and unaccompanied minors run by the feds where, by law, she is required access to "family planning services, including pregnancy tests and ... access to medical reproductive health services and emergency contraception."

*San Antonio Current, TX*

*Oct. 10, 2017*

### **Texas must not be a 'sanctuary state for abortions,' AG Ken Paxton says in court brief)**

The federal government should not give unauthorized immigrant minors the right to have abortions, Texas Attorney General Ken Paxton said Tuesday. The American Civil Liberties Union wants to add "Jane Doe," a 17-year-old unauthorized immigrant who sued in Texas to have an abortion, to an existing federal case against the U.S. Department of Health and Human Services. Paxton filed a brief in the case in response, arguing that unauthorized minors do not have the right to have abortions. The ACLU argues that restricting reproductive and abortion care is unconstitutional, but Paxton said the case could establish Texas as a "sanctuary state for abortions."

*Dallas Morning News, TX*

*Oct. 10, 2017*

### **Teenage illegal immigrant crosses border to get abortion. Now it's up to a judge if she can.**

A judge is deciding Wednesday whether the state of Texas must help a teenage illegal immigrant get an abortion — a case that could have serious ramifications. Even though

the 17-year-old illegal immigrant received a judicial waiver allowing her — a minor — to get an abortion, the officers detaining her refuse to take her to an abortion clinic American Civil Liberties Union (ACLU) lawyer, Rochelle Garza, told The Associated Press on Tuesday. “I feel like they are trying to coerce me to carry my pregnancy to term,” the girl told a federal court earlier in October, explaining that she was taken to a crisis pregnancy center instead of an abortion clinic.

*Daily Caller, DC*

*Oct. 11, 2017*

<b>Sender:</b>	Wagner, Steven (ACF) </o=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=3CEC05DA51AB4C7C978051F08D947637-WAGNER, JAM>
<b>Recipient:</b>	"Bowman, Matthew (HHS/OGC) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4caeb9900d27435daf018df146c4f075-Bowman, Mat>"; "Wolfe, Kenneth (ACF) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1f392f88a57d44df8c85dd4a2c547ddb-Wolfe, Kenn>"; "Wynne, Maggie (HHS/IOS) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=aab414d065764e13baf66a6f66b299ab-Wynne, Marg>"; "Marriott, Brian (ACF) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4ae7a85e29e243969fd8c7803b2af592-Marriott, B>"; "Negri, Warren A. (ACF) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=93ed57dec5bf43d3af31ce3e4d67006a-Negri III,>"; "Lloyd, Scott (ACF) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5f7f5ddb3dac432cbdd8acaf8038cfb5-Lloyd, Edwa>"; "Pilato, Anna (ACF) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=77e6b2c93f9a436b802687f05b2ae74f-Pilato, Ann>"; "Oakley, Caitlin B. (OS/ASPA) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e5ee4c35534c4af9bdac46789c034790-Oakley, Cai>"; "Youest, Charmaine (OS/ASPA) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=85e8821966a9482a825d7d4108319469-Youest, Char>"; "Murphy, Ryan (OS/ASPA) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=314e69c69a844b47bdd9f74bc60a8d44-Murphy, Rya>"; "Lloyd, Matt (OS/ASPA) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5d98e24ca441d5296cca9a57a38cbc9-Lloyd, Matt>"; "Bult, Nathan (OS/ASPA) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=dd8b7cc916fc48fbb6c50234a1d6a3f4-Bult, Nath>"
<b>Sent Date:</b>	2017/10/11 18:37:39
<b>Delivered Date:</b>	2017/10/11 18:37:40



<b>From:</b>	Russell, Elizabeth (ACF) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=916D756F38964634BBA542D79F1E1E30-RUSSELL, EL>
<b>To:</b>	"Lloyd, Scott (ACF) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5f7f5ddb3dac432cbdd8acaf8038cfb5-Lloyd, Edwa>"; "Moreno, Mr. Pedro (ACF) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ffd28ce9a1d8453591e74b700a6ce1e8-Moreno, Ped>"
<b>Subject:</b>	Talking Points and FIER Group meeting
<b>Date:</b>	2017/10/11 21:47:44
<b>Priority:</b>	Normal
<b>Type:</b>	Note

Scott, Pedro

Attached, please find some talking points for the FIER meeting. Please let me know if you have any questions.

Best,

Elizabeth

CDR Elizabeth B. Russell  
Coordinator, U.S. Repatriation Program Coordinator and  
Emergency Management Coordinator for Refugee Programs  
U.S. Department of Health and Human Services  
Administration for Children and Families  
Office of Refugee Resettlement  
Mary E. Switzer Building, 330 C ST SW, Room 5123  
Washington, DC 20201  
Tel: (202) 401-4845, BB# (b)(6)  
e-mail: [Elizabeth.russell@acf.hhs.gov](mailto:Elizabeth.russell@acf.hhs.gov)  
HSDN/SIPR [elizabeth.russell@dhs.gov](mailto:elizabeth.russell@dhs.gov)

Please note change of BB#

<b>Sender:</b>	Russell, Elizabeth (ACF) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=916D756F38964634BBA542D79F1E1E30-RUSSELL, EL>
<b>Recipient:</b>	"Lloyd, Scott (ACF) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5f7f5ddb3dac432cbdd8acaf8038cfb5-Lloyd, Edwa>"; "Moreno, Mr. Pedro (ACF) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ffd28ce9a1d8453591e74b700a6ce1e8-Moreno, Ped>"
<b>Sent Date:</b>	2017/10/11 21:47:42
<b>Delivered Date:</b>	2017/10/11 21:47:44

<b>From:</b>	Wolfe, Kenneth (ACF) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1F392F88A57D44DF8C85DD4A2C547DDB-WOLFE, KENN>
<b>To:</b>	"Marriott, Brian (ACF) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4ae7a85e29e243969fd8c7803b2af592-Marriott, B>"; "Lloyd, Scott (ACF) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5f7f5ddb3dac432cbdd8acaf8038cfb5-Lloyd, Edwa>"; "Pilato, Anna (ACF) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=77e6b2c93f9a436b802687f05b2ae74f-Pilato, Ann>"; "Wynne, Maggie (HHS/IOS) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=aab414d065764e13baf66a6f66b299ab-Wynne, Marg>"; "Bowman, Matthew (HHS/OGC) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4caeb9900d27435daf018df146c4f075-Bowman, Mat>"
<b>CC:</b>	"Wagner, Steven (ACF) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3cec05da51ab4c7c978051f08d947637-Wagner, Jam>"; "Negri, Warren A. (ACF) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=93ed57dec5bf43d3af31ce3e4d67006a-Negri III,>"
<b>Subject:</b>	Re: UAC, abortion
<b>Date:</b>	2017/10/11 22:13:53
<b>Priority:</b>	Normal
<b>Type:</b>	Note

Our statement is in the Associated Press article, which also contains the phrase "unborn child" not in quotes.

<https://apnews.com/8fe5857bd15549569fa183d09cdc4dc4>

On: 11 October 2017 21:46, "Marriott, Brian (ACF)" <Brian.Marriott@acf.hhs.gov> wrote:

Thanks so much. The majority will come in tomorrow on inquiries, etc.

Brian

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On: 11 October 2017 19:21, "Wolfe, Kenneth (ACF)" <kenneth.wolfe@acf.hhs.gov> wrote:

We sent it to seven reporters upon request so far, stating it is to be attributed to the Administration for Children and Families at the U.S. Department of Health and Human Services.

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**From:** Lloyd, Scott (ACF)

**Sent:** Wednesday, October 11, 2017 7:12 PM

**To:** Pilato, Anna (ACF); Wolfe, Kenneth (ACF); Wynne, Maggie (HHS/IOS); Bowman, Matthew (HHS/OGC)

**Cc:** Wagner, Steven (ACF); Marriott, Brian (ACF); Negri, Warren A. (ACF)

**Subject:** RE: UAC, abortion

I am still wondering who is the speaker?

Thank you,  
Scott

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**From:** Pilato, Anna (ACF)  
**Sent:** Wednesday, October 11, 2017 7:01 PM  
**To:** Lloyd, Scott (ACF); Wolfe, Kenneth (ACF); Wynne, Maggie (HHS/IOS); Bowman, Matthew (HHS/OGC)  
**Cc:** Wagner, Steven (ACF); Marriott, Brian (ACF); Negri, Warren A. (ACF)  
**Subject:** RE: UAC, abortion

No problem!

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**From:** Lloyd, Scott (ACF)  
**Sent:** Wednesday, October 11, 2017 6:58 PM  
**To:** Pilato, Anna (ACF); Wolfe, Kenneth (ACF); Wynne, Maggie (HHS/IOS); Bowman, Matthew (HHS/OGC)  
**Cc:** Wagner, Steven (ACF); Marriott, Brian (ACF); Negri, Warren A. (ACF)  
**Subject:** RE: UAC, abortion

Yes, I saw that it had been tweaked after I sent it—sorry for the confusion

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**From:** Pilato, Anna (ACF)  
**Sent:** Wednesday, October 11, 2017 6:57 PM  
**To:** Lloyd, Scott (ACF); Wolfe, Kenneth (ACF); Wynne, Maggie (HHS/IOS); Bowman, Matthew (HHS/OGC)  
**Cc:** Wagner, Steven (ACF); Marriott, Brian (ACF); Negri, Warren A. (ACF)  
**Subject:** RE: UAC, abortion

Scott, can you check your email? Not sure if you're looking at the latest version. And, the news outlets have already been sent the response from ACF.

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**From:** Lloyd, Scott (ACF)  
**Sent:** Wednesday, October 11, 2017 6:53 PM  
**To:** Wolfe, Kenneth (ACF); Wynne, Maggie (HHS/IOS); Bowman, Matthew (HHS/OGC)  
**Cc:** Wagner, Steven (ACF); Marriott, Brian (ACF); Negri, Warren A. (ACF); Pilato, Anna (ACF)  
**Subject:** RE: UAC, abortion

(Took off Charmaine to discuss within ACF). Could we consider a few changes? There are a few things that need some tweaking and (b)(5) I've made some comments below.

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**From:** Wolfe, Kenneth (ACF)  
**Sent:** Wednesday, October 11, 2017 5:43 PM  
**To:** Yoest, Charmaine (OS/ASPA); Wynne, Maggie (HHS/IOS); Bowman, Matthew (HHS/OGC)  
**Cc:** Wagner, Steven (ACF); Marriott, Brian (ACF); Negri, Warren A. (ACF); Lloyd, Scott (ACF); Pilato, Anna (ACF)  
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*Oct. 10, 2017*

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*Oct. 10, 2017*

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*Oct. 10, 2017*

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*Oct. 10, 2017*

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*Oct. 10, 2017*

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*Oct. 10, 2017*

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*Daily Caller, DC*  
*Oct. 11, 2017*

**Sender:**

Wolfe, Kenneth (ACF) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1F392F88A57D44DF8C85DD4A2C547DDB-WOLFE, KENN>

<b>Recipient:</b>	"Marriott, Brian (ACF) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4ae7a85e29e243969fd8c7803b2af592-Marriott, B>"; "Lloyd, Scott (ACF) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5f7f5ddb3dac432cbdd8acaf8038cfb5-Lloyd, Edwa>"; "Pilato, Anna (ACF) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=77e6b2c93f9a436b802687f05b2ae74f-Pilato, Ann>"; "Wynne, Maggie (HHS/IOS) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=aab414d065764e13baf66a6f66b299ab-Wynne, Marg>"; "Bowman, Matthew (HHS/OGC) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4caeb9900d27435daf018df146c4f075-Bowman, Mat>"; "Wagner, Steven (ACF) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3cec05da51ab4c7c978051f08d947637-Wagner, Jam>"; "Negri, Warren A. (ACF) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=93ed57dec5bf43d3af31ce3e4d67006a-Negri III,>"
<b>Sent Date:</b>	2017/10/11 22:13:52
<b>Delivered Date:</b>	2017/10/11 22:13:53

<b>From:</b>	(b)(6)@iestex.org>
<b>To:</b>	"Lloyd, Scott (ACF) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5f7f5ddb3dac432cbdd8acaf8038cfb5-Lloyd, Edwa>"
<b>Subject:</b>	Re: State Court hearing
<b>Date:</b>	2017/10/11 23:33:33
<b>Priority:</b>	Normal
<b>Type:</b>	Note

Thank you, received and have a restful evening Sir.

(b)(6)

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**From:** Lloyd, Scott (ACF) <Scott.Lloyd@acf.hhs.gov>  
**Sent:** Wednesday, October 11, 2017 10:30 PM  
**To:** (b)(6)  
**Subject:** Re: State Court hearing

I see now-- I defer to the program's judgment on whether monitoring is advisable in this situation given the allegations of abuse.

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On: 11 October 2017 23:19, (b)(6)@iestex.org> wrote:

Thank you so much for this, I wanted to be sure to inquire regarding phone call with mother because of allegations of abuse noted in legal proceedings and SIR.

Just to provide brief clarification as I hope my previous message did not imply some sort of infringement on UAC . As you know, at time UAC in care allege abuse, neglect or mistreatment at the hands of previous caretakers then ask to speak to same individuals, in these cases, we may take temporary precautionary measures (with proper approval and after staffing with all involved stakeholders) not explicitly addressed in ORR policy...it is more along the lines of ensuring that the persons that have contact with UAC in these cases are not known/alleged perpetrators of abuse/mistreatment. Therefore, arrangements can be made for UAC to be brought to the clinical office or case management office (private office) and either the assigned Clinician or assigned Case Manager is in the room while the UAC speaks with person on phone (not on speaker, UAC sits on one end of office and staff continue working while UAC conducts phone call). This allows CM or CL to monitor UAC's demeanor and ensure that nature and tone of call is appropriate and not affecting UAC in a negative manner, this can also be done from outside the room the UAC remains in line of sight but the staff will not overhear any portion of the discussion. Please rest assured we will adhere to all governing policies and ensure ORR remains informed of all information related to the case of this minor.



I will ensure program proceeds as directed, UAC will be granted telephone call with her mother as requested, again I appreciate your patience and guidance!!! Will standby for further guidance on other matters.

(b)(6)

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**From:** Lloyd, Scott (ACF) <Scott.Lloyd@acf.hhs.gov>

**Sent:** Wednesday, October 11, 2017 9:22 PM

**To:** (b)(6)

**Cc:** White, Jonathan (ACF); Brooks, Teresa (ACF); Bowman, Matthew (HHS/OGC)

**Subject:** Re: State Court hearing

(b)(6) thank you for the update.  
se reason.

I will address your other questions after double- checking.

Thank you,  
Scott

On: 11 October 2017 21:54, (b)(6)@iestex.org> wrote:  
Good Evening,

Please be advised that UAC attended follow-up appointment with Obstetrician (b)(6)  
(b)(6) at RGV Women's Health Center on Monday, October 9th, 2017.

UAC was accompanied by program's Medical Coordinator (b)(6) on this visit .  
Hours prior to departing from program, Medical Coordinator (b)(6) met with UAC to discuss follow-up appointment to ensure her understanding and obtain UAC's consent to attend. Medical Coordinator informed the UAC that the purpose of visit was to inquire about the possibility of obtaining medial clearance for UAC to increase physical activity in order to partake in light to moderate group dance exercise. UAC stated she understood and verbally consented to attending scheduled follow-up appointment with OB/GYN. Previously UAC requested care provider seek medical clearance from OB in order for her to partake in "Zumba", UAC was having difficulty adjusting to medical restrictions and verbally requested restrictions be reviewed and reconsidered by OB/GYN. However, as previously stated, Dr. Torres issued the following "UAC must remain no NO PHYSICAL ACTIVITY until further notice. NO SWIMMING, NO

RUNNING, NO ZUMBA, NO DANCING, NO STRENUOUS EXERCISE. UAC MAY take BRISK WALKS. "

Medical Coordinator informed program administration that (b)(6) also informed UAC of lab results (drawn on 9/11/17) returned within normal limits and that ZIKA test (conducted on 9/11/17) had returned "Negative". NO ultrasound or sonogram was completed during visit on 10/9/17.

To conclude the visit on 10/9/17 (b)(6) and his Nurse, informed UAC that during the first trimester between 11-14 weeks gestation (UAC is currently 14 weeks) it is recommended that ALL pregnant females undergo "1st Trimester NT (nuchal translucency screening)". (b)(6) explained to UAC in the presence of his nurse and program Medical Coordinator that the screening involves undergoing an ultrasound to screen for fluid build-up in the fetuses upper spine/neck to detect cardiovascular abnormalities, Down Syndrome and other abnormalities in the fetus. UAC was given the opportunity to ask questions and/or voice concerns. UAC stated she understood the information provided to her, stated she had no concerns or questions and voiced agreement and verbally consented to the screening/procedure. The nurse informed UAC and Medical Coordinator that the UAC would be referred to Driscoll Maternal and Fetal Medicine with (b)(6) for 1st Trimester Screen (NT Screen). Nurse (b)(6) explained she would provide specialty appointment time and date prior to UAC departing from medical office.

On 10/9/17 (b)(6) nurse, (b)(6) LVN confirmed specialty appointment for 10/11/2017 at 2:30PM. Please be note, UAC agreed to 1st Trimester Screen (NT Screen) during medical visit with OB/GYN on 10/09/17 and also issued consent to screening during initial OB visit on 09/11/2017.

On 10/11/17, UAC attended speciality appointment at Driscoll Maternal Fetal Medicine for the sole purpose of undergoing 1st Trimester NT screening (Nuchal translucency screening). UAC was accompanied by Medical Coordinator (b)(6) UAC consented to screening and was informed results would be reviewed with her at during next OB/GYN appointment with (b)(6) she stated she understood and denied having any questions or concerns. Following the NT screening/scan, labwork was conducted as part of the NT screening. UAC was offered the opportunity to ask questions and share concerns, she denied having any questions or concerns.

Please note that NT (nuchal translucency) is a standard first trimester screening (11-14 weeks gestation) that all pregnant females undergo it is considered a standard screening during prenatal care, more specifically any and all UAC in care undergo this screening as recommended by OB/GYN. Please be reminded that OB/GYN has not been informed of legal proceedings involving this UAC and/or her request to

terminate pregnancy. Care provider is still pending guidance from ORR/OGC on this matter, we will NOT inform medical provider unless authorized to do so by ORR.

On a separate note, please be advised that UAC continues to request to make telephone contact with her mother in home country, she issued request yesterday 10/10 and today 10/11. At this time we are pending response from ORR and/or OGC as to whether the UAC may make contact with her mother and whether telephone contact must be monitored by care provider.

Finally, please be advised that I was contacted by Regional Supervisor of Residential Child Care Liscensing (Cristina Lowenberg) regarding this UAC and the increasing media coverage, specifically article published on 10/11/17 in the Texas Standard <https://www.texastribune.org/2017/10/10/undocumented-teenager-seeks-court-authorization-abortion-after-federal> Mrs. Lowenberg explained that residential liscensing understands that the nature of this situation is critical and delicate, she explained that liscensing is responsible for ensuring we are NOT forcing any child in care to undergo pregnancy termination, however RCCL also has the duty to ensure the health, safety and overall well-being of all children in care at liscenced residential facilities. Mrs. Lowenberg has requested that I provide a detailed synopsis of this UAC and legal proceedings surrounding her request to terminate pregnancy. The purpose of her request is to ensure her office is prepared to respond to any formal inquiries regarding the placement and care minor is receiving in our residential facility. My plan is to issue liscensing a brief biographical/historical summary of the minor and her family, reunification status and many of legal proceedings up to this point. Mrs. Lowenberg specifically requested ORR policy on this matter, however I understand that specific policy on this matter is not available therefore, I wanted to touch base with you to inquire about the possibility of sharing the ORR official Memo (Mar 21 2008) "Medical Services Requiring Heightened ORR Involvement", please advise.

Please do not hesitate to contact me should you have any questions or concerns, I will wait for further guidance on these matters, thank you!!

(b)(6)

**From:** Lloyd, Scott (ACF) <Scott.Lloyd@acf.hhs.gov>

**Sent:** Monday, October 9, 2017 12:48 PM/17

**To:** (b)(6)

**Cc:** White, Jonathan (ACF); Brooks, Teresa (ACF); Bowman, Matthew (HHS/OGC); Wagner, Steven (ACF)

**Subject:** RE: State Court hearing

(b)(6)

Regarding the appointment today:

Make sure that the UAC knows that this is to get an update on whether it is really necessary to have her exercise so severely restricted—to find out if it might be possible to allow her to do more. Please get her to consent to the appointment. If she does not want it, she does not have to go—we arranged it to accommodate her distress over lack of physical activity. This was a concern she voiced to the program and that we noticed in her record. We are trying to be responsive to her concerns with this request.

If they offer her a sonogram at the appointment, please remind the doctor that she has already had two and suggest that it is not necessary, and that it should not happen in any case if she does not give consent.

Regarding your other questions—if she has a counseling session today, please contact me. If not, let's wait for DOJ's response.

Let me know if you have any questions.

Thank you,  
Scott

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**From:** (b)(6) [mailto:(b)(6)@piestex.org]  
**Sent:** Monday, October 09, 2017 1:14 PM  
**To:** Lloyd, Scott (ACF)  
**Cc:** White, Jonathan (ACF); Brooks, Teresa (ACF)  
**Subject:** Fw: State Court hearing

Good Morning Mr. Lloyd,

I am writing to request further guidance regarding the following, I realize now I may have missed the opportunity to ask these questions to Mr. Wagner (AUSA) during our debriefing and i apologize for that but the following matters have arise and I am in need of guidance...

- • Since the "Jane Doe Due Process" case has been transferred to federal court, does any portion of the previously issued state court restraining order remain in place?? Such as the stipulations prohibiting care provider from
  - • "Disturbing the peace of the child Petitioner" ...this was explained to us by UAC's attorneys as all care provider staff must refrain from speaking with UAC about her pregnancy, "her baby", or her "decision to terminate"examples provided by attorneys were
    - • No sonograms



- • No forcing UAC to listen to baby's heart rate
- • No referring to UAC's baby or seeking discussion or making comments about her gestational period, her pregnancy expectations, her feelings, etc...
- • No "encouraging" her to discuss or make contact with her parents
- • No "religion based" counseling regarding
- • Care provider must refrain from "Making remarks to child petitioner's family that concern petitioner's pregnancy"....
- • "Discussing any litigation concerning the child Petitioner in the presence or within hearing of the child Petitioner or on any form of social media"
- • UAC has a OB/GYN appointment for basic prenatal care with Dr. Torres this afternoon at 2:30p.m. (CST), please note that OB Dr. Torres is not aware UAC has requested to terminate pregnancy, Dr. Torres is not aware of current litigation regarding the case of this minor, is care provider to discuss these matters directly with Dr. Torres??? Should the child be informed that care provider will discuss her request to terminate and current litigation with OB?
- • If UAC attends this prenatal care appointment, is the doctor to proceed with sonogram ???
- • Is child allowed to contact parents?? Her parents are named in the suit as "inflicting abuse on minor" is UAC able to make contact despite this claim" If UAC requests to make contact with mother/father is care provider to allow contact, if allowed is all contact to be monitored or may the UAC make contact with out monitoring?

Please advise, thank you so much in advance for your guidance!

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**From:** Lloyd, Scott (ACF) <[Scott.Lloyd@acf.hhs.gov](mailto:Scott.Lloyd@acf.hhs.gov)>

**Sent:** Monday, October 9, 2017 10:02 AM

**To:** Brooks, Teresa (ACF); White, Jonathan (ACF); Jessica Martinez

**Cc:** Wagner, Steven (ACF); Wynne, Maggie (HHS/IOS); Bowman, Matthew (HHS/OGC); Haas, Alex (CIV)

**Subject:** RE: State Court hearing

Teresa,

Many thanks for your work on this, and thank you for the update. I was very much reassured to know that you would be present this morning.

Barring any additional need to wrap things up with IES, please return to the rest of your day off. Let us know if you need anything—I am sure things will continue throughout the week.

Sincerely,  
Scott

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**From:** Brooks, Teresa (ACF)  
**Sent:** Monday, October 09, 2017 10:57 AM  
**To:** Lloyd, Scott (ACF); White, Jonathan (ACF); Jessica Martinez  
**Cc:** Wagner, Steven (ACF); Wynne, Maggie (HHS/IOS); Bowman, Matthew (HHS/OGC); Haas, Alex (CIV)  
**Subject:** Re: State Court hearing

Please be advised that at approximately 8:35 am CT, the Cameron County Judge, attorneys from Garza and Garza, who are/were representing the UAC at the State level, the UAC, and Mr. Paxton Warner, AUSA from the DOJ met in the Judge's chambers in a closed proceeding. Mr. Lucio, attorney for the IES staff, was also in chambers, as an observer to the proceeding as he has clients who have been affected by the legal process of the matter. DHS ICE ERO Officer, (b)(6) was present at the Courthouse, outside of the courtroom and chambers. I was asked to wait immediately outside of the Judge's chambers.

During the discussion in chambers, Mr. Warner left chambers to inquire as to if the UAC had been "forced" to speak to her parents. I advised that the UAC had been afforded the right to speak to either or both of her parents since arriving into ORR custody, but to my awareness had not chosen to do so to date. It should be noted that the IES program did obtain a contact number for the UAC's father as the UAC had stated that she wished to speak to him at one time. Mr. Warner also asked if the IES program could provide the UAC could be provided with a new case manager as the UAC has stated that the current case manager was not effectively managing the UAC's case. (This is presumed to be referring to a possible family reunification case. At this time, it is my understanding that no viable sponsor has been identified for the UAC.) I informed Mr. Warner that IES would identify an appropriate case manager to assume oversight of the UAC's case. Finally, Mr. Warner stated that the attorneys for the UAC were concerned that an IES staff member was always within a visual "line of sight" of the UAC and the attorneys felt that this was not allowing the client sufficient privacy. I explained to Mr. Warner, that in accordance to TDFPS licensing standards, the attorneys are not considered trained child care providers, and in order to maintain standards of care, the staff needed to maintain sight of the UAC, but were not in able to hear/overhear any confidential attorney- client communication.

Mr. Warner took the information back to chambers. When Mr. Warner returned he advised that the UAC should be returned to her placement at the IES shelter program in Los Fresnos, TX. Mr. Warner stated that the case, in its entirety, had been moved to a Federal court venue. Mr. Warner advised that the attorneys from Garza and Garza would continue to represent the UAC in the case.

Mr. Lucio conferred with the IES staff, whom he was representing today. Mr. Warner thanked the IES staff for their efforts in caring for this UAC and all of the UAC that IES cares for.

All parties were advised that they/we were free to leave the courthouse. I thanked the DHS ICE ERO Officer for her support, and instructed IES to transport the UAC back to the program site. All parties exited the courthouse at approximately 9:45 am CT.

Please advise as to if there are any questions or if additional information is needed regarding this message.

Teresa

Teresa Brooks  
Supervisory ORR Federal Field Specialist  
HHS ACF ORR DUCO  
202.631.3775  
[Teresa.Brooks@acf.hhs.gov](mailto:Teresa.Brooks@acf.hhs.gov)

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On: 08 October 2017 18:58, "Brooks, Teresa (ACF)" <[Teresa.Brooks@ACF.hhs.gov](mailto:Teresa.Brooks@ACF.hhs.gov)> wrote:

Please see the attached with regard to the request to DHS ICE ERO for the presence of a DHS ICE ERO Officer at the 107<sup>th</sup> District Court in Cameron County Texas on Monday, October 9, 2017.

Please advise as to if there are any questions concerning the DHS ICE ERO request or response.

Please be advised that, to remain in compliance with Texas Department of Family Protective Services Residential Child Care Licensing Standards, appropriate IES staff will be transporting the UAC from the IES Shelter Program to the Courthouse building. Additional IES staff who are required to be present at the District Court will arrive to the Courthouse apart from the UAC. I will be meeting with all of the IES staff and with the DHS ICE ERO Officer, either immediately outside of the Court building, or in the lobby of the building. We will then proceed to the identified area of the Courthouse.

Please advise of any additional instruction as is felt appropriate.

Sincerely,

Teresa

Teresa Brooks  
Federal Field Specialist Supervisor, South Texas  
HHS ACF ORR DUCO  
202.631.3775  
[Teresa.Brooks@acf.hhs.gov](mailto:Teresa.Brooks@acf.hhs.gov)

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**From:** Brooks, Teresa (ACF)  
**Sent:** Sunday, October 08, 2017 5:20 PM  
**To:** Lloyd, Scott (ACF); White, Jonathan (ACF); Jessica Martinez  
**Cc:** Wagner, Steven (ACF); Wynne, Maggie (HHS/IOS); Bowman, Matthew (HHS/OGC); Haas, Alex (CIV)  
**Subject:** Re: State Court hearing

I can be at the Courthouse at 8:30 am CT as requested.

I can attempt to reach Officer Cortez, who is the covering Officer for the FOJC now to see if there is an ICE Officer who is able to be present at the Court tomorrow morning.

I will update all appropriate parties of outcome of the contact with ICE.

Teresa

Teresa Brooks  
Supervisory ORR Federal Field Specialist  
HHS ACF ORR DUCCO  
202.631.3775  
[Teresa.Brooks@acf.hhs.gov](mailto:Teresa.Brooks@acf.hhs.gov)

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On: 08 October 2017 16:46, "Lloyd, Scott (ACF)" <[Scott.Lloyd@acf.hhs.gov](mailto:Scott.Lloyd@acf.hhs.gov)> wrote:

Hello everyone,

Please see below. There should be no hearing tomorrow. However, there is need to have the UAC brought to the courthouse at the time appointed, to avoid contempt while we confirm that the state court knows the case has been removed. Teresa I'd like you there if at all possible, or field staff in the alternative. I will ask that DOJ contact us if they receive confirmation and this becomes unnecessary.

Teresa, are you in contact with anyone from DHS (ICE seems most appropriate) who could ride along? If you need help I can help get someone.

If she goes to the courthouse the point would be to inform them that the case has been removed. There should be no transfer of custody and federal law enforcement could help us reinforce that point.

Please let me know if you have any questions.

Thank you,  
Scott



Begin Forwarded Message:

**From:** "Haas, Alex (CIV)" <[Alex.Haas@usdoj.gov](mailto:Alex.Haas@usdoj.gov)>

**Subject:** State Court hearing

**Date:** 08 October 2017 17:25

**To:** "Bowman, Matthew (HHS/OGC)" <[Matthew.Bowman@hhs.gov](mailto:Matthew.Bowman@hhs.gov)>, "Lloyd, Scott (ACF)" <[Scott.Lloyd@acf.hhs.gov](mailto:Scott.Lloyd@acf.hhs.gov)>

**Cc:** "Ricketts, Jennifer D (CIV)" <[Jennifer.D.Ricketts@usdoj.gov](mailto:Jennifer.D.Ricketts@usdoj.gov)>, "Hu, Daniel (USATXS)" <[Daniel.Hu@usdoj.gov](mailto:Daniel.Hu@usdoj.gov)>, "Warner, Paxton (USATXS)" <[Paxton.Warner@usdoj.gov](mailto:Paxton.Warner@usdoj.gov)>, "Fabian, Sarah B (CIV)" <[Sarah.B.Fabian@usdoj.gov](mailto:Sarah.B.Fabian@usdoj.gov)>

Matt/Scott,

Our colleagues from the USAO just filed the removal papers in federal court and also filed a notice electronically in state court. While this should be enough to deprive the state court of jurisdiction, we are also sending a AUSA to hand a copy to the judge as well.

Because the state court order is directed to individuals working at IES who could still be held in contempt (potentially), our strong recommendation would be for the minor to be sent with the federal field specialist to the court proceeding. With that federal officer there and the AUSA we think there is a very small likelihood of any shenanigans. You could also potentially ask someone from ICE or CBP to attend to the transport.

Please let me know if you'd like to discuss

Alex

Sent from my Verizon, Samsung Galaxy smartphone

<b>Sender:</b>	(b)(6) @iestex.org>
<b>Recipient:</b>	"Lloyd, Scott (ACF) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5f7f5ddb3dac432cbdd8acaf8038cfb5-Lloyd, Edwa>"
<b>Sent Date:</b>	2017/10/11 23:33:12
<b>Delivered Date:</b>	2017/10/11 23:33:33

<b>From:</b>	Bulletin Intelligence <HHS@BulletinIntelligence.com>
<b>To:</b>	"HHS@bulletinintelligence.com"
<b>Subject:</b>	HHS News Briefing for Thursday, October 12, 2017
<b>Date:</b>	2017/10/12 07:34:42
<b>Priority:</b>	Normal
<b>Type:</b>	Note

## **HHS NEWS BRIEFING**

This document and searchable archives are available at [hhs.bulletinintelligence.com](https://hhs.bulletinintelligence.com).

**TO: THE SECRETARY AND SENIOR STAFF**

**DATE: THURSDAY, OCTOBER 12, 2017 7:30 AM EDT**

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- + Families, States Waiting For Children's Health Insurance Program Reauthorization.

### **THE SECRETARY IN THE NEWS:**

- + Trump Appoints Eric Hargan As Acting HHS Secretary.
- + Former HHS Secretary Says US Soccer Needs A Revolution.

### **HHS IN THE NEWS:**

- + ACOG, Other Women's Advocates Challenge Scientific Basis Of Trump Administration's New Contraception Rules.
- + HHS' Use Of "Life At Conception" Criticized.
- + Two Experimental Ebola Vaccines Show Promise In 12-Month, 1,500-Patient Study.
- + Opinion: President Trump Has Done More To Roll Back Opioid Efforts Than Improve Them.
- + Senate Democrats Call For NIH To Renew Funding For Gun Violence Research.
- + HHS, NIH Say They Were Not Impacted By Deloitte Breach.
- + Scientists Urge Investigation Into Differences That Cause More Aggressive Cancers In Men Of African Descent.
- + NIH-Supported Project Collecting Data On Gene Expression From Different Types Of Tissue.
- + CDC's 2016 STD Surveillance Report Shows Georgia In Top 5 For Chlamydia, Syphilis.
- + Supporters Hope Gottlieb Stays At FDA.
- + FDA Finalizes Guidance Banning Free Samples Of E-Cigarettes.
- + FDA Digital Innovation Plan Aims To Improve Medical Innovation Approval Process.
- + FDA Urges Consumers To Use Caution When Buying Medication For Their Pets Online.
- + FDA's Unapproved Drug Initiative Led To Higher Prices, Drug Shortages, Study Finds.

### **HEALTH REFORM:**

- + Trump, Many GOP Lawmakers At Odds Over Continued Payment Of ACA Subsidies.
- + Poll: The Contraceptive Coverage Rule Is "Pretty Popular."
- + ACA Navigator Groups To Shrink Services Following Funding Cuts By Trump Administration.
- + Liberal Groups To Target Vulnerable GOP Lawmakers Over Trump Contraception Rules.
- + Trump Blames Obama For ACA's Woes.
- + Covered California Adds 12.4% Surcharge To Some Plans Because Administration Has Not Guaranteed ACA Subsidy Payments.
- + West Virginians To Be Charged Double-Digit Premium Increases For ACA Plans.

- + Pennsylvania AG Suing Administration Over Contraception Rules.
- + Connecticut's Exchange Preparing For Tough ACA Enrollment Period.
- + Cigna, Vanderbilt Health Reach Agreement On In-Network Status.
- + Iowa Health Insurance Market Awaits Decision On Stopgap Measure.
- + Nonprofit Says Utahns Earning Too Much For Subsidies Could Face Large Premium Hikes.
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- + Commentary Considers Health Reform.

#### **OPIOID NEWS:**

- + VA Accused Of Fueling Opioid Crisis Among Veterans.
- + Nancy Pelosi Provides Rare Testimony In Opioids Hearing, Urges Expanded Medicaid.
- + Senator Claire McCaskill Says Pharmaceutical Industry Holds Responsibility For The Opioid Epidemic.
- + Indiana University Launches \$50M Program To Battle Opioid Addiction.
- + Montgomery County Overdose Response Project Gets \$2 Million Federal Grant.
- + New Jersey Expands Opioid Prescription Monitoring To Include Veterinarians.
- + Innovative Medical Procedures Offer Potential For Non-Opioid Pain Relief.

#### **HEALTHCARE FRAUD:**

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#### **HEALTHCARE NEWS:**

- + ACLU, Planned Parenthood File Lawsuit Over Missouri's New Abortion Law.
- + OneCare Vermont's New Fixed Payment Health Spending System Expanded To Cover More Patients.
- + Judge Rules North Carolina May Owe \$20 Million To Healthcare Providers For Vaccines.

#### **HEALTH INFORMATION TECHNOLOGY:**

- + HIMSS Officials Express Optimism About Progress Of Their Congressional Goals.

#### **HUMAN SERVICES NEWS:**

- + Judge Declines To Order Officials To Allow Abortion For Immigrant Teen.
- + Editorial: Haitians Still Need Temporary Protected Status.
- + Kansas' Foster Child Runaway Rate Is Similar To The National Average.

#### **FOOD & IMPORT SAFETY:**

- + Commentary Considers Why Tracking Food Poisoning Outbreaks Is Difficult.
- + Salmonella Outbreak Connected To September Chili Cook-Off Spreads To Attendees From Eight States.

#### **EMERGENCY RESPONSE AND PANDEMIC PREPAREDNESS:**

- + Editorial Calls For New Texas Policies On Disaster Preparedness In Nursing Homes.
- + Letter: FHCA Plays Important Role In Emergency Preparedness Among Diligent Nursing Homes.

#### **NUTRITION & OBESITY:**

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#### **MEDICARE:**

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#### **MEDICAID & CHIP:**

- + Opinion: Medicaid Expansion Is An Opportunity To Address Healthcare Inequality In Maine.

#### **HEALTH & MEDICAL NEWS:**

- + FDA To Consider Experimental Gene Therapy For Blindness.

- + Experimental Glaucoma Drug Effectively Lowers Eye Pressure, FDA Preliminary Review Concludes.
- + Legislation To Establish Diabetes Commission Heads To White House.
- + Smallpox Vaccine Made Of Horsepox, Not Cowpox, Research Indicates.
- + Sanofi To Invest \$202 Million To Expand French Vaccine Facility.
- + San Diego School District Considers Later Start Times.
- + Study Suggests Prostate Cancer Patients Are Unclear On Differences Among Treatments.
- + Fred Hutchinson, MD Anderson Examine Toxic Side Effects Of CAR-T Therapy.
- + Expert Panel Discusses Future Of Cancer Research And Treatment.
- + Puerto Rico Investigating Possible Cases Of Leptospirosis.
- + Syracuse University Mumps Outbreak May Surpass 18 Cases.
- + Washoe County Officials Confirm First Hantavirus Fatality Since 1995.
- + States Acting On Drug Prices After Federal Inaction.
- + Opinion: Federal Policies Obstruct Value-Based Pricing For Prescription Drugs.
- + Shortage Of Physicians Specializing In Genetics, Despite Boom In Research.
- + Problems Remain At Johnson & Johnson Pharmaceutical Facilities In Puerto Rico.
- + Pennsylvania Governor Signs "Right To Try" Law.
- + Merck To Discontinue Marketing For Cholesterol Treatment.
- + Ardelyx Announces IBS Treatment Succeeds In Late-Stage Trial.
- + Pharmaceutical Industry Appeals South Dakota Decision On Prescription Payment Ballot Measure.
- + District Judge To Determine Whether Allergan Patent Transfer Constitutes "Sham" Deal.
- + Consumers May Not Recognize Drug Side Effects When Ads Contain Long Lists Of Risks, Study Suggests.
- + CicloMed Gains FDA Approval To Begin Clinical Trials For Bladder Cancer Treatment.
- + Amazon Entering Pharmacy Space Could Lower Drug Prices, Morgan Stanley Says.
- + Hypertensive Women In Their 40s May Be At Increased Risk For Dementia In Later Years, Study Indicates.
- + Tai Chi May Be Useful Way To Introduce Reluctant People To Exercise After A Heart Attack, Study Indicates.
- + Prevalence Of Hospital Admissions For Stroke That Had Concomitant Hypertension, Diabetes, And Dyslipidemia Increased More Than 200% Between 2004 And 2014, Study Finds.
- + Conference Focuses On Preventing Youth Suicide Among Native Americans.
- + Researchers Identify Factors To Help Predict Severe Toxicities Among Patients Receiving CAR-T Infusions.
- + San Antonio Joins Initiative To Reverse Increase In HIV.

#### **GLOBAL HEALTH:**

- + Madagascar Says Plague Outbreak Has Spread To Seychelles.
- + Study Maps Risk Of Fatal Fever Epidemics Across Africa.
- + Experts Disagree About Global Danger Of Drug-Resistant Malaria Spreading In Southeast Asia.
- + Botswana Officials Detect Anthrax In Dead Hippos Following Similar Outbreak In Namibia.
- + Alberta To Ban Minors From Using UV Tanning Beds.
- + Italy To Cull Birds In Response To Five October H5N8 Avian Flu Outbreaks.
- + Prominent UK Researcher Warns Lack Of Post-Brexit Clarity Could Jeopardize Pharmaceutical R&D.

#### **NATIONAL NEWS:**

- + Media Analyses: Trump Threatens Free Press With Reaction To NBC Report.
- + Trump Pitches Tax Plan To Truckers In Pennsylvania.
- + Administration Official: Long-Term Puerto Rico Recovery Plan Is In The Works.
- + DHS: One Ship Traveling To Puerto Rico Under Jones Act Waiver Delivering FEMA Aid.
- + House To Vote On Disaster Aid Bill Thursday.
- + San Juan Mayor Comments On Feud With Trump.
- + Tenth Consecutive Atlantic Hurricane Forms For First Time Since 1893.



- + Trump: If NFL Had Suspended Kaepernick, League "Would Never Have Had A Problem."
- + Trump Announces \$1 Million In Federal Funds For Las Vegas Law Enforcement.
- + Trump Touts \$5.2 Trillion Stock Market Gain.
- + Trump To Meet With Economist, Fed Hopeful John Taylor This Week.
- + Democrat Green Pulls Back From Forcing House Vote On Trump Impeachment.
- + Longtime Trump Friend "Shocked" And "Stunned" By President's Rhetoric And Tweets.
- + Trump: Democrats Used Russia As "An Excuse" After Losing Election.
- + Democratic Senators Tell Sessions They Want Answers On Trump Conversations.
- + After White House Bemoans Congressional Breaks, House Votes To Leave Early For Vacation.
- + McConnell Says He'll Move Forward On Judges Without Democratic "Blue Slips."
- + Leaders Of Conservative Groups Call For McConnell, His Deputies To Resign.
- + Kushner Reportedly Sent Approving Text After Bannon "Declare[d] War" On GOP Senators.
- + Trump To Speak At Values Voter Summit On Friday.
- + Federal Court Upholds Congressional Prayer.
- + Group Of Ex-Obama Lawyers Files Injunction Against Trump Voter Commission.
- + FBI Opens Investigation Into Weinstein.
- + WPost A1: Private Deal Guaranteed Moore \$180K Annually For Part-Time Work At Charity.
- + Obama To Stump For Northam In Richmond On Oct. 19.
- + The Hill: Retirements Complicating Democrats' Effort To Reclaim House.
- + Cruz Edges Democrat O'Rourke In Q3 Fundraising, Holds Large Cash Advantage.
- + Flake Primary Foe Ward Raises \$690K In Q3.
- + GOP Montana Senate Hopeful Rosendale Raises Over \$400K In Two Months.
- + Democrat Brown Raised \$2.6M In Q3, Has \$8.3M Banked For Reelection Race.
- + Manchin Easily Bests GOP Challengers Jenkins, Morrissey In Q3 Money Race.
- + Blackburn Hails Twitter Reversal On Ad As "Our First Senate Conservative Victory."
- + Prosecution Rests In Menendez Trial; Defense Asks Judge To Dismiss Case.
- + Judge Orders Release Of Gianforte's Mugshot.
- + GOP Hopeful Rossi Raises \$575K In Nine Days.
- + Kerry Endorses, Stumps With New Jersey Gubernatorial Candidate Murphy.
- + Maryland's Rockey Moore Cummings Joining Crowded Democratic Primary.
- + Politico Mag Examines Differences Between Macomb County Natives Eminem, Kid Rock.
- + Judge Allows Dakota Access Pipeline To Continue Operations.
- + California Wildfires Continue To Rage As Death Toll Rises To 21.
- + Charlottesville Schools On "Modified Lockdown" Following Threatening Message Board Post.
- + Supreme Court Weighs Immunity For Corporations In Overseas Human Rights Suits.
- + Boy Scouts To Allow Girls To Join.
- + Experts See 2017 As Beginning Of End Of Internal Combustion Engine.
- + Alec Baldwin Has "Another Epic Meltdown" On New York City Streets.
- + Rove: Trump Hurting Himself By Attacking Corker.
- + WPost: Pruitt Destroys Clean Power Plan.
- + WPost Criticizes Trump Cabinet For Using Private Planes.
- + NYTimes: New York Mayoral Debate Offered Little.
- + WSJournal: GOP's Air-Traffic Control Plan Would Help Both Economy And Traveling Public.

#### **EDITORIAL WRAP-UP:**

- + New York Times.
- + Washington Post.
- + Wall Street Journal.

#### **THE BIG PICTURE:**

- + Headlines From Today's Front Pages.

#### **LAST LAUGHS:**

- + Late Night Political Humor.

#### **Leading the News:**

**TRUMP TO SIGN EXECUTIVE ORDER TO ERASE HEALTH INSURANCE RULES UNDER ACA.** The Wall Street Journal (10/11, A1, Radnofsky, Armour, Mathews, Subscription Publication, 6.45M) reports on its front page that President Trump plans to sign an executive order Thursday which will attempt to reverse provisions in the Affordable Care Act that placed limits on sales of short-term insurance and will expand alternative insurance arrangements to allow small businesses to associate together for the purpose of buying insurance.

In a front-page article, the New York Times (10/11, A1, Pear, Abelson, Subscription Publication, 13.56M) reports that while Trump “has been telegraphing his intentions for more than a week, Democrats and some state regulators are now greeting the move with increasing alarm, calling it another attempt to undermine President Barack Obama’s signature health care law.”

The Hill (10/11, Sullivan, 1.68M) reports that the order “will direct the Department of Labor to ‘modernize’ rules to allow small employers to create association health plans. ... if they are within the same state, in the same ‘line of business,’ or are in the same trade association.” The order will also erase “limits on short-term health insurance plans, allowing the plans to last as long as 12 months and be renewed,” which some fear will cause healthier people to move to short-term plans, “leaving only sicker people in ObamaCare plans and driving up premiums.” The Hill adds that the order will “allow people to use tax-advantaged accounts known as Health Reimbursement Accounts to pay for their premiums.”

Reuters (10/12, Pierson, Raymond) reports that the executive order “will almost certainly be challenged in court, several legal experts said.” The piece adds that state attorney generals “would likely be among the first to legally challenge Trump’s order or regulations,” and that Massachusetts Attorney General Maura Healey said Wednesday that she “will oppose any attempt to undermine” her state’s residents’ access to healthcare.

The Huffington Post (10/11, Cohn, 5.74M) reports that the order “could rattle the Affordable Care Act’s private insurance markets by allowing a proliferation of cheaper, less comprehensive plans that would undermine rules about who and what insurers must cover.”

Also reporting are the Washington Examiner (10/11, Chaitin, 465K), CNBC (10/11, Kleponis, 3.48M), and the New York Daily News (10/12, Chia, 3.61M).

#### **FAMILIES, STATES WAITING FOR CHILDREN’S HEALTH INSURANCE PROGRAM**

**REAUTHORIZATION.** CBS News (10/11, Konrad, 4.42M) reports on its website that families who rely on CHIP are taking a “wait-and-see attitude” towards CHIP reauthorization as it has become “the latest pawn in the Congressional wrangling over health care.” Jesse Cross-Call, Senior Policy Analyst at the Center for Budget and Policy Priorities said that because CHIP “has always had bipartisan support,” it has “really been a surprise that it’s taking this long to get it funded. Congress has never blown past the deadline before, so we’re in uncharted territory.” The article adds, “Most states have passed final budgets for the next fiscal year with the assumption that CHIP would be reauthorized and they would be receiving federal funds.” CBS News reports that “Chances are Washington will come through, eventually,” however, the House bill is “complicated” by disputes between lawmakers regarding funding offsets which affect Medicare, Medicaid, and the ACA.

The Hill (10/11, Weixel, 1.68M) reports the New York health department said Wednesday that the state will have to hold a special legislative session to address the funding shortfall if CHIP is not reauthorized within weeks. In a letter to Acting Health and Human Services Secretary Eric Hargan, the New York health commissioner explained, “it is unlikely the Legislature can fill a \$1 billion hole left by the federal government to continue to provide coverage to all the children currently enrolled in CHIP. ... The inaction of Congress and the Administration has jeopardized the health care of millions of the nation’s children, 350,000 of whom live in New York.”



The [New York Daily News](#) (10/11, Blain, 3.61M) reports New York Gov. Andrew Cuomo (D) slammed Congress' inaction Wednesday, saying, "It is unconscionable that the federal government is implementing draconian health care cuts that target our children and the most vulnerable among us." Senate Minority Leader Chuck Schumer also said Wednesday, "No family in New York or elsewhere should ever have to make the agonizing decision between taking their child to the doctor and footing the cost of exorbitant medical bills they cannot afford."

The [Washington Examiner](#) (10/11, King, 465K) reports that bipartisan negotiations in the House "got off to a rocky start Wednesday" when Rep. Frank Pallone, Jr. (D-NJ), the top Democrat on the House Energy and Commerce Committee, said, "I can't accept these [Affordable Care Act] cuts and so far there isn't any willingness to not include them."

Also covering the story is [Fierce Healthcare](#) (10/11, Small, 146K).

**Opinion: Hiltzik Wonders Why Washington Has Not Renewed CHIP Funding.** Michael Hiltzik writes in the [Los Angeles Times](#) (10/11, 4.49M) that "We know that Congress is just unimaginably busy right now, so perhaps it's understandable that 11 days after funding for a crucial children's healthcare program expired, the lawmakers still haven't gotten around to restoring it." The column points out that while President Trump "has been picking fights" with the NFL, Sen. Bob Corker (R-TN), and the mayor of San Juan, Puerto Rico, "there's still no schedule for a vote on CHIP in either chamber on Capitol Hill."

**Editorial: Congress Puts Children At Risk By Letting CHIP Expire.** The [New Orleans Times-Picayune](#) (10/11, 710K) editorializes that "Thousands of families no longer have to worry about how to pay for a doctor visit for their children. And tens of thousands of youngsters are healthier because of it" in Louisiana as a result of CHIP. Louisiana will run out of funding in February 2018 if CHIP is not renewed. The editorial concludes, "Now families who depend on CHIP are left wondering how to take care of sick children. Congress shouldn't leave them hanging."

## **The Secretary in the News:**

**TRUMP APPOINTS ERIC HARGAN AS ACTING HHS SECRETARY.** In continuing coverage, the [Los Angeles Times](#) (10/11, Kamal, 4.49M) reports that on Tuesday, President Trump "announced that Eric Hargan, an attorney from Illinois, would serve as acting secretary of Health and Human Services, following the resignation of" former HHS Secretary Tom Price late last month. Hargan was confirmed as Deputy HHS Secretary just last week. In response to Hargan's appointment, former Acting HHS Secretary Don Wright said, "His commitment to public service and vast experience in the healthcare field will help guide the department as we advance President Trump's agenda on behalf of the American people."

[Politico](#) (10/11, Diamond, 3.6M) reports that Wright had been Acting HHS Secretary since Price resigned on September 29. The article adds that this is "Hargan's second go-around at HHS: He served in several roles from 2003 to 2007, including as acting deputy secretary, before leaving government work to practice law in Chicago."

On its website, [CBS News](#) (10/11, Tillett, 4.42M) reports that Wright also said Hargan "brings a wealth of knowledge, expertise, and leadership experience to HHS."

[Modern Healthcare](#) (10/11, Subscription Publication, 238K) and [Fierce Healthcare](#) (10/11, Minemyer, 146K) also cover the story.

**FORMER HHS SECRETARY SAYS US SOCCER NEEDS A REVOLUTION.** The [AP](#) (10/11, Blum) reports that the US "will be glaringly absent" from next year's soccer World Cup in Russia. The article says, "A bumbling, stumbling, tumbling World Cup qualifying campaign ended Tuesday night with a calamitous 2-1 loss to already eliminated Trinidad and Tobago, the 99th-ranked nation in the world, when merely a tie was necessary to eke out the final automatic World

Cup berth from one of soccer's weakest regions." Former HHS Secretary Donna Shalala, a US Soccer Federation board member, tweeted, "Unacceptable. ... For us in US Soccer more than a wake-up call. Time for revolution. Need long term plan that is smart."

## **HHS in the News:**

**ACOG, OTHER WOMEN'S ADVOCATES CHALLENGE SCIENTIFIC BASIS OF TRUMP ADMINISTRATION'S NEW CONTRACEPTION RULES.** The AP (10/11, Alonso-Zaldivar) reports that some experts on women's health are questioning the Trump Administration's new rule on birth control, arguing that "it overlooks known benefits of contraception while selectively citing data that raise doubts about effectiveness and safety." For instance, Dr. Hal Lawrence, CEO of the American Congress of Obstetricians and Gynecologists, said, "This rule is listing things that are not scientifically validated, and in some cases things that are wrong, to try to justify a decision that is not in the best interests of women and society." The article says the rules would "allow more employers to opt out of covering birth control as a free preventive benefit for women under the Obama health care law." Commenting on the matter, HHS spokeswoman Caitlin Oakley stated, "The rules are focused on guaranteeing religious freedom and conscience protections for those Americans who have a religious or moral objection to providing certain services based on their sincerely held beliefs."

**HHS' USE OF "LIFE AT CONCEPTION" CRITICIZED.** Huffington Post (10/11, 5.74M) editor Jenavieve Hatch criticizes the HHS' strategic plan for 2018 to 2022, released last month, for using the phrase "life at conception" five times. Hatch says this "idea has long been used by the anti-abortion community as justification for its protests." Hatch asserts that in contrast, "more neutral sources...and the medical community at large, are rightly not interested in arguing about the moment 'life' starts."

**TWO EXPERIMENTAL EBOLA VACCINES SHOW PROMISE IN 12-MONTH, 1,500-PATIENT STUDY.** AFP (10/11) reports that a phase II study of experimental vaccines rVSV-ZEBOV and cAd3-EBOZ showed promise in protecting against Ebola. The 12-month study of 1,500 people in Monrovia, Liberia, published Thursday in the *New England Journal of Medicine*, found that "after one month, 84 percent of rVSV-ZEBOV recipients developed an antibody response," and "at one year, 80 percent still had this protection." For cAd3-EBOZ, "71 percent developed an antibody response, and 64 percent still had such a response at one year, when the trial ended." NIAID Director Dr. Anthony Fauci said, "This clinical trial has yielded valuable information that is essential for the continued development of these two Ebola vaccine candidates and also demonstrates that well-designed, ethically sound clinical research can be conducted during an epidemic. A safe and effective vaccine would be a critically important addition to classical public health measures in controlling inevitable future Ebola outbreaks."

The Wall Street Journal (10/11, Burton, Subscription Publication, 6.45M) says this is the first placebo-controlled study of Ebola vaccines, and it suggests the vaccines could be powerful tools to save lives. NIH scientists are now evaluating antibody levels at two years out. The article quotes Dr. H. Clifford Lane, deputy director for clinical research at the NIAID and a principal investigator in the study as saying there exists a "reasonable chance that either of these vaccines would play a role in preventing infection."

HealthDay (10/11, Norton, 11K) notes that rVSV-ZEBOV "made headlines last year when it appeared highly effective at preventing Ebola disease in a large clinical trial." Yet "researchers were not able to study the vaccines' ability to prevent the disease because the Liberia epidemic ended before the trial got to that stage." Dr. Lane said, "We don't know what level of antibody response is needed to prevent Ebola disease."

MedPage Today (10/11, Smith, 60K) also quotes Lane as saying, "Even though the trial began in early February 2015, once an infrastructure for the trial had been established and the vaccines became available, too much time had elapsed" to permit a conclusion about efficacy.



Nonetheless, the researchers concluded the trial “extended our knowledge of (the vaccines’) safety and immunogenicity.” MedPage Today adds, “There were more numerically serious adverse events over the year in the placebo group – 40 in the cAd3-EBOZ group, 47 in the rVSV-ZEBOV-GP group, and 59 among placebo participants – with 71% of those events attributed to malaria.”

**OPINION: PRESIDENT TRUMP HAS DONE MORE TO ROLL BACK OPIOID EFFORTS THAN IMPROVE THEM.** Dana Milbank writes in an op-ed for the Washington Post (10/11, 10.38M) that despite President Trump’s “endless” campaign promises to solve the opioid crisis, 175 Americans continue to die daily from opioid overdoses with only a “farce” of a response by Trump. Milbank asserts that Trump is actually taking steps backward by “proposing or backing cuts to the Centers for Disease Control and Prevention, the National Institutes of Health, the Department of Health and Human Services and the Medicaid program.”

**SENATE DEMOCRATS CALL FOR NIH TO RENEW FUNDING FOR GUN VIOLENCE RESEARCH.** The Hill (10/11, Weixel, 1.68M) reports, “Senate Democrats are calling on the National Institutes of Health to renew recently-lapsed funding for gun violence research following the Las Vegas concert shooting.” Sens. Elizabeth Warren (D-MA), Chris Murphy (D-CT), and 21 others wrote a letter to NIH Director Dr. Francis Collins, “saying that continuing the program is urgent.”

The Washington Examiner (10/11, Leonard, 465K) reports the letter said in part, “In spite of the toll of gun violence on Americans’ health and safety, a dearth of scientific research has hindered efforts to reduce gun-related fatalities and injuries.” The Las Vegas Review-Journal (10/11, Martin, 458K) also covers the story.

**HHS, NIH SAY THEY WERE NOT IMPACTED BY DELOITTE BREACH.** Fierce Healthcare (10/11, Sweeney, 146K) reports that representatives of the Department of Health and Human Services and the National Institutes of Health said that data from their agencies was not affected by the recently reported breach at Deloitte. The article explains that there were claims that the agencies may have been affected by the breach.

**SCIENTISTS URGE INVESTIGATION INTO DIFFERENCES THAT CAUSE MORE AGGRESSIVE CANCERS IN MEN OF AFRICAN DESCENT.** The Boston Globe (10/11, Levenson, 969K) reports that Harvard Professor of Epidemiology Timothy Rebek said that unequal access to healthcare “doesn’t fully explain” why the death rates for black men with prostate cancer are 2.5 times higher than rates among white men. Speaking at a discussion Wednesday, Rebek said, “There are probably biological differences that lead to more aggressive cancers in men of African descent in general.” Rebek said the NIH and NCI are trying to diversify cancer research, pointing “to the NIH’s ‘All of Us’ program, which aims to gather data on more than 1 million Americans to improve research and health outcomes.” Rebek added, “We should have been doing this 20 years ago, but at least there are large efforts trying to find out how to make this happen now, so we should be optimistic about what can happen in the future.”

**NIH-SUPPORTED PROJECT COLLECTING DATA ON GENE EXPRESSION FROM DIFFERENT TYPES OF TISSUE.** Nature News (10/12, Callaway, 177K) reports the “Genotype-Tissue Expression (GTEx) project is amassing data about gene sequences and activity, and other information, across 44 types of tissue, from blood vessels to 10 different brain regions.” The project is supported by the National Institutes of Health. The article explains that some have raised ethical concerns about whether or not the project should share certain results with the families of donors, and “Nicole Lockhart, a programme director at the National Human Genome Research Institute in Bethesda, Maryland, who coordinated the ethical, legal and social aspects of GTEx, says that future tissue-donation studies might consider providing families with medically important results.”

**CDC'S 2016 STD SURVEILLANCE REPORT SHOWS GEORGIA IN TOP 5 FOR CHLAMYDIA, SYPHILIS.** The Atlanta Journal-Constitution (10/11, Pirani, 1.16M) summarizes the CDC's 2016 STD Surveillance Report, released in late September, that found "Georgia ranked among the top five states in America with the highest rates of chlamydia, gonorrhea and syphilis." CDC's STD prevention division director Gail Bowan stated, "Together, we can make a difference, but it will take all of us – CDC, health departments, healthcare providers, community organizations, and individuals."

**SUPPORTERS HOPE GOTTLIEB STAYS AT FDA.** In continuing coverage, Fierce Pharma (10/11, Sagonowsky) reports that Food and Drug Administration Commissioner Dr. Scott Gottlieb "downplayed the possibility of taking up the top HHS post in a Reuters interview, saying he believes he can be 'most effective' at the FDA." According to the article, "during a recent discussion at FierceBiotech's Drug Development Forum in Boston, three industry executives agreed that the FDA had been taking steps to facilitate faster approvals prior to Gottlieb's arrival, and that he's the right person to build on that progress."

Congressional Quarterly (10/11, Siddons, Subscription Publication, 967) reports that although Gottlieb "is considered to be a leading contender" for the HHS Secretary position, "many of his fans and allies would lament his departure from FDA." According to CQ, "Underlying the praise for Gottlieb is a concern that whoever takes over at FDA next would be far less qualified, even dangerous."

**FDA FINALIZES GUIDANCE BANNING FREE SAMPLES OF E-CIGARETTES.** The Hill (10/11, Wheeler, 1.68M) reports that the Food and Drug Administration "finalized guidance Wednesday that includes electronic cigarettes in its ban on free tobacco product samples." In a statement, FDA Commissioner Scott Gottlieb said, "One of the most important provisions to help reduce youth access to tobacco products is the prohibition on free samples of tobacco products. With more youth using e-cigarettes than any other tobacco product, it's critical that manufacturers and retailers understand how we intend to enforce this provision."

**FDA DIGITAL INNOVATION PLAN AIMS TO IMPROVE MEDICAL INNOVATION APPROVAL PROCESS.** The Motley Fool (10/11, Vena, 605K) reports the FDA recently announced its Digital Health Innovation Action Plan, a pilot project intended to update its approval process for software-based medical applications and devices, and selected nine companies out of more than 100 applicants to participate. FDA Commissioner Dr. Scott Gottlieb said the agency aims to use the program to "recognize the unique and iterative characteristics of these products," adding that the FDA seeks to "modernize our regulatory framework so that it matches the kind of innovation we're being asked to evaluate." The article says the program "may help speed up a process that has long been seen as plodding and failing to keep up with recent innovations."

**FDA URGES CONSUMERS TO USE CAUTION WHEN BUYING MEDICATION FOR THEIR PETS ONLINE.** The Connecticut Post (10/11, Cuda, 199K) reports that the Food and Drug Administration is warning about websites which "sell unapproved pet drugs and counterfeit pet products, make fraudulent claims, dispense prescription drugs without requiring a prescription, and sell expired drugs." In its warning, the agency provides consumers with guidelines about how to identify websites that may be questionable.

**FDA'S UNAPPROVED DRUG INITIATIVE LED TO HIGHER PRICES, DRUG SHORTAGES, STUDY FINDS.** STAT (10/11, Silverman, 43K) reports that a study published in the Journal of Managed Care & Specialty Pharmacy suggests that the Food and Drug Administration's Unapproved Drug Initiative, launched in 2006, led to higher prices and shortages with "no new clinical evidence to support the vast majority of the medicines that were approved." The researchers "suggest grace periods should only be granted when a drug maker guarantees supply and sets a fair price, and that grace periods should be lengthened to allow companies extra time to win approvals." They also recommend working with the National Institutes of Health "to fund or help companies conduct literature reviews and bioequivalence studies, which



presumably would make it easier to win regulatory approval," among other options.

## **Health Reform:**

**TRUMP, MANY GOP LAWMAKERS AT ODDS OVER CONTINUED PAYMENT OF ACA SUBSIDIES.** The Wall Street Journal (10/11, Radnofsky, Peterson, Subscription Publication, 6.45M) reports that President Trump's policy changes are putting congressional Republicans in a tough position. Iran is the latest example of such a policy shift, but the same can be said about efforts to repeal the Affordable Care Act. The article says while the GOP was attempting to repeal the healthcare law, Trump repeatedly threatened to eliminate subsidy payments to insurers. However, many Republican lawmakers argued that the Trump Administration should continue to make those payments until the ACA's fate was decided; otherwise, insurance markets could be destabilized. That remains their stance up to now.

**POLL: THE CONTRACEPTIVE COVERAGE RULE IS "PRETTY POPULAR."** The Huffington Post (10/11, Edwards-Levy, 5.74M) reports a HuffPost/YouGov poll finds that Americans largely support the rule requiring employers to offer health insurance that covers the cost of contraceptives by 45 percent to 32 percent. By a percentage of 43 to 35 percent, respondents also believe that "private businesses should be required to provide plans covering contraceptives even if the owners object to birth control on religious grounds." Nearly half – 48 percent – oppose Trump's decision to roll back the rule. The poll also found that the views were divided along political lines, with 78 percent of Clinton voters supporting the contraception mandate and 78 percent of Trump voters approving of the Administration's roll back.

**ACA NAVIGATOR GROUPS TO SHRINK SERVICES FOLLOWING FUNDING CUTS BY TRUMP ADMINISTRATION.** The Hill (10/11, Hellmann, 1.68M) reports local advocacy groups which provide assistance with ACA enrollment "say they will likely have to reduce their services following funding cuts from the Trump administration." Officials argue that these navigator groups' funding was cut significantly because they have been "ineffective." But the article points out that a Kaiser Family Foundation survey of the groups found "49 percent said they received no rationale from the federal government for the cuts, while 40 percent said the reasoning was very or somewhat unclear."

The Washington Examiner (10/11, King, 465K) reports Democratic lawmakers and critics contend that "the cuts, coupled with a 90 percent cut to ad funding, are part of a strategy from the Trump administration to sabotage Obamacare."

**LIBERAL GROUPS TO TARGET VULNERABLE GOP LAWMAKERS OVER TRUMP CONTRACEPTION RULES.** The Washington Post (10/11, Viebeck, 10.38M) reports that "liberal groups," including Planned Parenthood Action Fund and Emily's List, "are seizing on Republican attempts to roll back health coverage and limit access to birth control, as they seek to galvanize women voters ahead of next year's midterm elections." The groups believe the Administration "handed them a potent political issue Friday" when it announced exceptions to the ACA's contraception mandate, and they "plan to link this action to congressional Republicans' repeated attempts to undercut the ACA...as part of a broader strategy focused on defeating moderate GOP members and buttressing vulnerable Democrats."

**TRUMP BLAMES OBAMA FOR ACA'S WOES.** The Washington Examiner (10/11, Leonard, 465K) reports that this week, President Trump "defended his recent actions on Obamacare, saying that the problems the law was facing were the result of his predecessor, former President Obama." During an interview with Forbes, Trump stated, "Well, we're actually, what we're doing is trying to keep it afloat, because it's failing." He added, "I mean the insurance companies are fleeing and have fled. They fled before I got here. But with that being said, no, Obamacare is Obama's fault. It's nobody else's fault."

**COVERED CALIFORNIA ADDS 12.4% SURCHARGE TO SOME PLANS BECAUSE**

**ADMINISTRATION HAS NOT GUARANTEED ACA SUBSIDY PAYMENTS.** The Los Angeles Times (10/11, Terhune) carries a Kaiser Health News article which reports that Covered California, the state's ACA health exchange, announced on Wednesday that "it has ordered insurers to add a surcharge to certain policies next year because the Trump administration has yet to commit to paying a key set of consumer subsidies under the Affordable Care Act." Officials explained that this move "to impose a 12.4 percent surcharge on silver-level health plans in 2018 means the total premium increase for them will average nearly 25 percent." The piece says the federal government, not individual consumers, will pay for much of these increases through subsidies.

CNBC (10/11, Mangan, 3.48M) reports on its website that without the surcharge, "silver plans sold on Covered California...would have risen an average of just 12.5 percent next year, officials said as they revealed overall prices statewide." For individual insurers, surcharges per plan will reach "anywhere from 8 percent to 27 percent."

The Washington Examiner (10/11, King, 465K) also covers the story.

**WEST VIRGINIANS TO BE CHARGED DOUBLE-DIGIT PREMIUM INCREASES FOR ACA PLANS.** The Washington Examiner (10/11, King, 465K) reports that West Virginians who purchase ACA plans will be subject to double-digit premium increases for 2018. On Tuesday, the state's insurance regulator announced, in the article's words, "that premiums for Highmark West Virginia will rise by about 25 percent, and the only other insurer, CareSource, will see hikes of 19.6 percent."

**PENNSYLVANIA AG SUING ADMINISTRATION OVER CONTRACEPTION RULES.** The Philadelphia Inquirer (10/11, McCullough, 1.71M) reports that on Wednesday, Pennsylvania Attorney General Josh Shapiro sued the Trump Administration "over its move to roll back the Affordable Care Act's birth control coverage mandate." Several other state AGs have also filed suits against the Administration over the issue. Shapiro is quoted as saying, "Millions of women could be denied needed contraceptive care against the advice of science, public health and medical professionals."

**CONNECTICUT'S EXCHANGE PREPARING FOR TOUGH ACA ENROLLMENT PERIOD.** Connecticut Public Radio (10/11, Jones) reports that Connecticut's insurance exchange, Access Health CT, is preparing for a difficult ACA open enrollment period. The article says ACA marketplaces are facing some challenges this year. For instance, the open enrollment period has been cut from about three months last year to 45 days. Jim Wadleigh, CEO of Access Health CT, explained that this "means his staff must work harder to reach out" to encourage consumers to sign up for coverage.

**CIGNA, VANDERBILT HEALTH REACH AGREEMENT ON IN-NETWORK STATUS.** The Tennessean (10/11, Fletcher, 499K) reports that Cigna and Vanderbilt University Medical Center have reached an agreement that will allow "people in Davidson and eight surrounding counties" next year "to see VUMC doctors in-network via the Cigna Connect plans." The article adds that "this is the second year in a row a Nashville-based health system has struck a nearly 11th-hour agreement to be in-network with Cigna." It explains that last October, "Saint Thomas Health scrambled to arrange a deal with the insurer...when, after a decision by BlueCross BlueShield of Tennessee, TriStar Health was set to be the only Nashville-area health system covered on the exchange."

**IOWA HEALTH INSURANCE MARKET AWAITS DECISION ON STOPGAP MEASURE.** The Des Moines (IA) Register (10/11, Leys, 324K) reports that with just three weeks to go before open enrollment, residents, state officials, and insurers are still awaiting a decision by the Centers for Medicare and Medicaid Services on Iowa's proposed "stopgap" proposal to "shore up Iowa's health-insurance market." The piece covers a 61-year old Cedar Rapids resident, an insurance agent, and an executive at Medica – the sole insurer on the exchange – and their perspectives on



the uncertainty. Although reports surfaced last week that President Trump “demanded his administrators reject the proposal,” “Iowa officials, including Gov. Kim Reynolds, continue to lobby the Trump administration to approve the plan, and they say the state could implement it quickly.”

**NONPROFIT SAYS UTAHNS EARNING TOO MUCH FOR SUBSIDIES COULD FACE LARGE PREMIUM HIKES.** The Salt Lake (UT) Tribune (10/12, Gifford, 337K) reports an analysis by nonprofit Utah Health Policy Project finds that Utahns earning over 400 percent of the federal poverty level – or \$97,000 for a family of four – could see premium increases as much as 63 percent next year. Jason Stevenson of UHPP said, “Those Utah consumers who earn too much to receive monthly subsidies will face higher premiums mostly due to the deliberate policies of confusion and sabotage being practice[d] in Washington DC.”

**REPORT SAYS NEW JERSEY TO LOSE 60 PERCENT OF FEDERAL FUNDING TO EXPAND ACA ENROLLMENT.** NJ Spotlight (10/12, Stainton) examines a report released Wednesday by the nonprofit Kaiser Family Foundation which finds that New Jersey will lose more than 60 percent of its federal funding to “help enroll vulnerable citizens in health insurance plans,” after the Centers for Medicare and Medicaid Services cut funding for navigators under the ACA. Further, “Kaiser found most organizations plan to continue operating, despite the funding cuts, but will likely have to scale back their service area and limit help to rural residents.” Linda Schwimmer, president and CEO of the New Jersey Health Care Quality Institute, added, “There will be fewer navigators to help people figure out the best plan for them – it’s a lengthy and complex process – and confusion reigns due to the multiple failed attempts to repeal the ACA.”

**COMMENTARY CONSIDERS HEALTH REFORM.** Several outlets offer opinions on health reform.

Linda Greenhouse writes in the New York Times (10/11, Subscription Publication, 13.56M) that while “Saudi women are gaining the right to drive,” women in the US “are losing the right to employer-provided birth control.” Greenhouse says the list of “religious objectors” includes “anyone” in the workplace, and she adds, “It’s hard to overstate the radical nature of what has just happened.” She reviews the history of the birth control coverage conflict and the US Supreme Court’s Hobby Lobby decision, and concludes, “The Trump administration’s rescission of the government’s birth control mandate, not only for these organizations but also for others that never even got around to asking for it, is thus a reward for intransigence matched only by the Senate’s blockade of the Supreme Court vacancy intended for Merrick Garland that it eventually handed to Neil Gorsuch.”

E.J. Dionne, Jr writes in the Washington Post (10/11, 10.38M) Hillary Clinton’s tweets this week on CHIP “offered a glimpse of why more Americans chose Hillary Clinton over Donald Trump as the appropriate person to be president of the United States.” Her tweets “expressed a proper outrage over the failure of the House and Senate to renew a valuable piece of the government’s health-care safety net that provides insurance to some 9 million Americans under the age of 18.” Dionne concludes, “In fact, Trump cares and thinks little about policy, and the big news this week may be that the Washington consensus is finally coming around to the obvious: that Trump is utterly unfit to be president, which is what a plurality of the voters thought in the first place.”

Robert Gebelhoff writes in the Washington Post (10/11, 10.38M) in its “Post Partisan” blog that the Trump Administration’s roll back of birth control mandates ignores substantial evidence “that access to contraception does significantly reduce unplanned pregnancies.” The piece compares Chile’s “perfect natural experiment” for Trump’s policy on what happens when prices for contraception increase: “The result was a public health disaster, as detailed in a new paper distributed by the National Bureau of Economic Research.” Gebelhoff concludes, “What isn’t up for reasonable debate is whether access to contraception helps prevent unintended pregnancies. The evidence shows that it does – in the United States as well as in Chile.”

Paige Winfield writes in the Washington Post (10/11, 10.38M) “The Health 202” that

congressional Republicans “aren’t off the hook for failing to make good on their promise to repeal Obamacare, even with the shiny new executive order President Trump is preparing to roll out this week, conservative activists insist.” She adds that “conservative groups were severely disappointed as the GOP-led Congress they’d helped elect crashed and burned on their dearest legislative priority – repealing and replacing President Barack Obama’s 2010 Affordable Care Act.”

Jon Healey writes in the Los Angeles Times (10/11, 4.49M) that the Trump Administration’s “waffling” on cost sharing reduction payments will cause premiums for Californians to rise by an additional 12.4 percent. Healey adds, “In sum, the administration actions are shifting the burden of the cost-sharing reductions from taxpayers to insurers to consumers, the vast majority of whom will pass the cost back to taxpayers.” The column concludes, “If critics want to stop the reimbursements, they should repeal the requirement that insurers give low-income customers a break on their out-of-pocket expenses. Failing that, the administration – or better yet, Congress – needs to commit to paying the reimbursements and stop the senseless cost-shifting.”

Laurie T. Martin, Senior Policy Researcher at the RAND Corporation, writes in The Hill (10/11, 1.68M) that according to recent research she conducted, while advertising for the ACA “is helpful in raising awareness, it provides little practical help to those trying to obtain coverage.” Martin’s “research did not shed light on whether cutting the ACA’s advertising budget would have discernible effects on enrollment.” The piece concludes, “One potential solution would be to provide the necessary funding to train navigators and others who already provide in-person assistance to enrollees to take a natural next step – and continue giving support once enrollment is completed” and that “Funding for such assistance needs to be strengthened not cut.”

Terry Connelly, Dean Emeritus of the Edward S. Ageno School of Business at Golden Gate University, writes in the Huffington Post (10/11, 5.74M) that the Trump Administration’s exceptions for contraception coverage for religious objections may violate the Establishment Clause of the US Constitution. Connelly contends that the HHS rule “establishes those particular religion’s beliefs about contraception as a sufficient legal basis for individuals and corporate entities espousing those particular faith-based persuasions to deny their employees a Federal benefit under a statute (the Affordable Care Act) and rule-making thereunder.” Connelly also challenges the rule as discriminatory against women. Connelly concludes that “the most dangerous (for the Trump Administration) reaction to the contraception exception” would be increased support for single-payer healthcare.

Ramesh Ponnuru writes in his column in Bloomberg View (10/11, 4.52M) that President Trump may issue an executive order that “would dramatically reduce enforcement of” the Affordable Care Act’s “fines on people without insurance.” Ponnuru argues that while he is against the individual mandate, he doesn’t “think the executive branch should just stop enforcing the fines.”

Dylan Scott writes in a Vox (10/11, 1.54M) piece that while President Trump has not yet succeeded in repealing the Affordable Care Act, “his administration is doing its best to force the law to fail.” He says the open enrollment period is a “critical time” for the ACA; however, this year, it “is in the hands of a White House that’s openly hostile to the Affordable Care Act – and the Trump administration is taking advantage of the best opportunity it has to undercut the law.”

Andrew Prokop writes in a Vox (10/11, 1.54M) piece that Republicans are still playing “a blame game for the failure of Obamacare repeal, and more and more of it is falling on Senate Majority Leader Mitch McConnell” (R-KY). Prokop says some conservative activists want McConnell and his leadership team to resign. They stated that McConnell’s “‘greatest betrayal’ was his ‘failure to repeal Obamacare, the single most devastating piece of legislation against freedom ever crafted.’” Prokop argues that the activists’ critique is somewhat “oversimplified and self-serving,” and that they are attempting to use McConnell as a “scapegoat.”

Dr. Jason James, Baptist Hospital of Miami’s Chairman of the Ob-Gyn Department, writes in the



South Florida Sun Sentinel (10/11, 530K) that President Trump's "recent announcement of a possible rollback in contraception coverage represents a huge blow to health care for America's women." Dr. James says that the proportion of women who have "no-cost contraceptive coverage" dropped from 21 percent before the ACA to just three percent. The piece mentions that the "American Congress of Obstetricians and Gynecologists (ACOG) advocates the use of Long-Acting Reversible Contraception (LARC) methods such as IUDs as the most effective way of reducing unintended births." The column concludes, "We must not allow our current administration to reverse the significant progress we have made in advancing health care for women in our nation, not to mention this proposal screams gender bias since contraception is disproportionately the responsibility of women."

Central Maine (10/11) editorializes that by rolling back birth control coverage, "the Trump administration is catering to one group of Americans at the expense of another" because "whether or not women employees share their bosses' religious beliefs, they're being forced to accommodate them." The piece adds, "What's particularly maddening is that the ACA has never brushed off religious objections to the birth control mandate. Religious nonprofits have long been allowed to opt out of it" by notifying the US Department of Health and Human Services.

Hadley Heath Manning, a senior policy analyst and director of policy at the Independent Women's Forum, writes in an opinion piece in the Washington Examiner (10/11, 465K) that the House Ways and Means Committee approved a bill that would repeal the Independent Payment Advisory Board. Manning says that two Democrats voted for the bill, and argues that the bill "represents a real opportunity for bipartisan health reform in the right direction."

Tim Worstall, a senior fellow at the Adam Smith Institute, writes in an opinion piece in the Washington Examiner (10/11, 465K) that "using insurance to pay for contraception is simply insane." Worstall argues that "using insurance to pay for any predictable and ongoing expense, not just birth control, is insane."

Joel S. Weissman, PhD, the chief scientific officer for Brigham and Women's Hospital's Center for Surgery and Public Health, Amanda J. Reich, PhD, a research scientist and senior project manager at the Center for Surgery and Public Health, and Marc A. Cohen, PhD, the research director at the Center for Consumer Engagement in Health Innovation, write in STAT (10/11, 43K) "First Opinion" that "while the Trump administration and the Republican-led Congress failed to repeal and replace the Affordable Care Act, a number of ACA-weakening strategies put forward by the administration are already underway." The three authors argue that "an unintended consequence of these strategies is likely to be an increase in the amount of uncompensated care provided by America's hospitals."

## **Opioid News:**

**VA ACCUSED OF FUELING OPIOID CRISIS AMONG VETERANS.** Newsweek (10/12, Levine, 991K) reports that the Department of Veterans Affairs "recklessly overprescribed opiates and psychiatric medications" until mid-2012 when it "swung dangerously in the other direction, ordering a drastic cutback of opioids for chronic pain patients." The VA is now "bungling that program and again putting veterans at risk." The article goes on at length to criticize the VA's handling of opioid addiction among veterans and warns that "the disaster is likely to worsen under the Trump administration because of its assaults on Medicaid and Obamacare," since fewer than half of the 22 million US veterans receive their care from the VA.

**NANCY PELOSI PROVIDES RARE TESTIMONY IN OPIOIDS HEARING, URGES EXPANDED MEDICAID.** The Washington Examiner (10/11, Leonard, 465K) reports that Nancy Pelosi, House Minority Leader, made a rare testimonial appearance at a Wednesday hearing focused on addressing the opioid crisis. Pelosi said it was "only the second time" she had "ever testified as leader...because this issue rises to level, as you know, of life and death." In her remarks, Pelosi urged more states to seek expanded Medicaid under the Affordable Care Act.

**SENATOR CLAIRE MCCASKILL SAYS PHARMACEUTICAL INDUSTRY HOLDS RESPONSIBILITY FOR THE OPIOID EPIDEMIC.**

In an interview with German Lopez of [Vox](#) (10/11, Lopez, 1.54M), Sen. Claire McCaskill (D-MO) says pharmaceutical companies "ought to begin looking over their shoulder and wondering whether or not they've gone too far in terms of some of their conduct" in causing the opioid epidemic. McCaskill describes the companies' marketing practices and suggests that some may have committed fraud to get physicians to prescribe opioids.

**INDIANA UNIVERSITY LAUNCHES \$50M PROGRAM TO BATTLE OPIOID ADDICTION.**

[Modern Healthcare](#) (10/11, Johnson, Subscription Publication, 238K) reports Indiana University has started "a five-year, \$50 million research" project to identify "the best clinical practices to address opioid addiction." The article says one of the initiative's "key area[s]" is determining "how healthcare providers can address substance use disorder in patients who visit the emergency department."

**MONTGOMERY COUNTY OVERDOSE RESPONSE PROJECT GETS \$2 MILLION FEDERAL GRANT.**

The [Dayton \(OH\) Daily News](#) (10/11, Garbe, 141K) reports the federal Substance Abuse and Mental Health Services Administration has awarded Ohio's Montgomery County Alcohol, Drug Addiction, and Mental Health Services organization a four-year \$2 million grant to provide "wider access to the opioid overdose-reversal drug naloxone" in three counties. Officials estimate the group's "Project Save Miami" will annually serve "85 law enforcement officers, 400 EMS personnel, nearly 2,000 overdose victims and more than 800 community members."

**NEW JERSEY EXPANDS OPIOID PRESCRIPTION MONITORING TO INCLUDE**

**VETERINARIANS.** The [Wall Street Journal](#) (10/11, King, Subscription Publication, 6.45M) reports New Jersey Gov. Chris Christie's administration on Wednesday issued guidelines aimed at preventing human abuse of pain medications prescribed to pets. The new guidelines require veterinarians who prescribe opioids, such as tramadol and oxycodone, to use the New Jersey Prescription Monitoring Program.

**INNOVATIVE MEDICAL PROCEDURES OFFER POTENTIAL FOR NON-OPIOID PAIN**

**RELIEF.** KXAS-TV Dallas (10/3, Castro, 284K) reports that two "narcotic-free" pain relief procedures based on nerve-blocking have been developed by "Dr. Aaron Shiraz, a board certified anesthesiologist at ZeroNarcotics.com." The first method "is a one-time injection of numbing medication that can last 48 hours." The second technique "involves a small micro catheter near the nerves that continuously drips numbing medicine for extended periods of time." Dr. Shiraz said that "the main concept" is "using a targeted approach to patients pain control, instead of opioids, which work on the entire body." Shiraz added that "anything we can do to reduce the amount of narcotics, or opioids, is really going to be to their advantage."

**Healthcare Fraud:**

**OPINION: ELECTRONIC VISIT VERIFICATION ENABLES NORTH CAROLINA TO FIGHT MEDICAID FRAUD.**

Sandata Technologies CEO Tom Underwood writes for the [Raleigh \(NC\) News & Observer](#) (10/11, Underwood, 381K) that the 21st Century Cures Act was passed in 2016 with the "potential to significantly reduce health care fraud in North Carolina and across the country" as it mandates the use of "electronic visit verification" systems for providers billing Medicaid. This verification system aims to "reduce fraud in the home health care industry by verifying home care services billed are for actual visits made," and Underwood writes that his firm advocates for an "open model," in which "the state's Medicaid office chooses or recommends one technology vendor's EVV solution while allowing home care agencies to keep their existing systems" or change them.

**Healthcare News:**



### **ACLU, PLANNED PARENTHOOD FILE LAWSUIT OVER MISSOURI'S NEW ABORTION LAW.**

The Hill (10/11, Hellmann, 1.68M) reports that the American Civil Liberties Union (ACLU) and Planned Parenthood on Tuesday filed a lawsuit against the state of Missouri regarding its new abortion law. The law "requir[es] the same physician performing an abortion to be the one" who provides "state-mandated information to a patient 72 hours before the procedure," the article says. The groups contend the requirement "severely restricts access to safe, legal abortion."

### **ONECARE VERMONT'S NEW FIXED PAYMENT HEALTH SPENDING SYSTEM EXPANDED TO COVER MORE PATIENTS.**

The AP (10/11, Ring) reports accountable-care organization OneCare Vermont announced plans to expand a new program "that pays providers a set amount of money for its patients, rather than paying the providers for the services they provide to those individuals" beyond the original 30,000 Medicaid patients who were eligible originally to patients insured by Medicare and private insurance as well, bringing the total number of Vermonters served to 120,000. According to the AP, "OneCare said it will be working with, among other organizations, nine hospitals in Vermont and one in New Hampshire, 24 independent physician practices, eight home health agencies and six mental health and substance abuse agencies." A Blue Cross Blue Shield of Vermont spokesperson said they were working with OneCare to develop a similar program for their customers that would begin on January 1.

### **JUDGE RULES NORTH CAROLINA MAY OWE \$20 MILLION TO HEALTHCARE PROVIDERS FOR VACCINES.**

The Fayetteville (NC) Observer (10/11, Woolverton, 196K) reports North Carolina "may owe more than \$20 million to medical practices throughout the state because a Superior Court judge ruled last month that the government underpaid them for the cost of giving vaccines to lower-income children." Superior Court Judge Beecher Gray of Durham ruled that the state Department of Health and Human Services was federally required to pay the doctors' offices \$20.45 for each vaccine administered in the federal Vaccines for Children program in 2013 and 2014. The state had paid providers \$13.71 per vaccine, a provision in the Affordable Care Act raised the payment to \$20.45.

## **Health Information Technology:**

### **HIMSS OFFICIALS EXPRESS OPTIMISM ABOUT PROGRESS OF THEIR CONGRESSIONAL GOALS.**

Fierce Healthcare (10/11, Minemyer, 146K) reports that HIMSS officials have "three legislative goals" entering the new year: develop "a cybersecurity role within the Department of Health and Human Services"; enable the "pass[age] of the CONNECT for Health Act"; and "invest in infrastructure to support the 21st Century Cures Act." The article says that HIMSS has pressed HHS "to raise its chief information security officer to be on par with the chief information officer" as a means of improving cybersecurity leadership, and HIMSS expressed optimism that the goal, and others, are progressing.

## **Human Services News:**

### **JUDGE DECLINES TO ORDER OFFICIALS TO ALLOW ABORTION FOR IMMIGRANT TEEN.**

The AP (10/12, Thanawala, Merchant) reports a federal judge in San Francisco "said Wednesday that the government cannot prevent a pregnant 17-year-old at a Texas facility for unaccompanied immigrant children from getting an abortion," but declined to bar US Department of Health and Human Services officials from interfering in the unnamed girl's access to the procedure. US Magistrate Judge Laurel Beeler said the complaint by the American Civil Liberties Union of Northern California was not filed in the right court. US Department of Justice lawyer Peter Phipps said Wednesday that the government might propose having the girl's case heard in Texas or Washington, D.C.

**EDITORIAL: HAITIANS STILL NEED TEMPORARY PROTECTED STATUS.** The Boston Globe (10/12, 969K) editorializes that the Trump Administration should further extend the federal

government's grant of temporary protected status (TPS) to some 86,000 Haitians in this country when it expires in January. The *Globe* examines conditions in Haiti which "have not recovered" since a "devastating 2010 earthquake," plus recent hurricanes as recently as Hurricane Irma in September. The *Globe* quotes President Trump's campaign speech when he visited Little Haiti in Miami where he said that "the truth is Haiti is still suffering very badly." The editorial concludes, "The question remains whether Trump will use many thousands of Haitians as political props rather than show the kind of compassion that allowed them to find refuge here in the first place."

**KANSAS' FOSTER CHILD RUNAWAY RATE IS SIMILAR TO THE NATIONAL AVERAGE.** The *AP* (10/11) reports that there are "more than 70" missing foster children in Kansas, according to information supplied by foster care contractors in an oversight panel meeting Tuesday. The article says that according to US Department of Health and Human Services data, approximately 1.1 percent of over 400,000 total children in foster care were categorized as runaways in the 2015 fiscal year. Roughly one percent of Kansas' foster children are missing, the article adds, placing the state's figure near the nation's average.

## **Food & Import Safety:**

**COMMENTARY CONSIDERS WHY TRACKING FOOD POISONING OUTBREAKS IS DIFFICULT.** The *Boston Globe* (10/11, Jangi, 969K) features commentary from gastroenterologist Dr. Sushrut Jangi concerning the difficulty that medical professionals and public health officials have in tracking and identifying the sources of food poisoning outbreaks. According to Jangi, "The true story of outbreaks is that cases are often scattered and splintered, with only subtle patterns in all of the noise," with bacterial epidemiology researcher William Hanage telling him many food poisoning outbreaks "are never solved" due to the dead ends that emerge when trying to identify a source food provider or food item. Jangi concludes, "Food outbreaks are unlikely ever to be completely preventable; indeed, they are our most pointed reminders of communal risk," and that often, the best tool available to physicians and health officials fighting food poisoning outbreaks is their ability to notice and identify connections.

**SALMONELLA OUTBREAK CONNECTED TO SEPTEMBER CHILI COOK-OFF SPREADS TO ATTENDEES FROM EIGHT STATES.** The *AP* (10/11) reports roughly 150 people across eight states were infected with salmonella after they attended a chili cook-off in Virginia on September 30. According to the *AP*, "Dr. David Matson, director of the state's Eastern Shore Health District, said by phone Wednesday that half of them have sought medical treatment. Some have been hospitalized." Officials are conducting a survey of cook-off attendees to identify possible sources of the outbreak.

Also reporting is *USA Today* (10/11, Vaughn).

## **Emergency Response and Pandemic Preparedness:**

**EDITORIAL CALLS FOR NEW TEXAS POLICIES ON DISASTER PREPAREDNESS IN NURSING HOMES.** In an editorial, the *Dallas Morning News* (10/11, 984K) decries Texas policies that do not require nursing homes to evacuate facilities during disasters, but rather require them to submit emergency plans for review, but not file them with the state. The *News* further castigates nursing home administrators such as those of the Lake Arthur Place facility, who left "70 residents in a building filled with a foot of water and smelling of urine and feces" during Hurricane Harvey and "rebuffed" volunteers from trying to remove them.

**LETTER: FHCA PLAYS IMPORTANT ROLE IN EMERGENCY PREPAREDNESS AMONG DILIGENT NURSING HOMES.** John C. Simmons, president of the Florida Health Care Association, writes in a letter to the *Miami Herald* (10/11, 701K) that Carl Hiaasen's October 1 column asserting the deaths of the 14 residents at the Hollywood Hills nursing home were inevitable due to neglect "does a great injustice to the thousands of highly skilled professionals



who dedicate themselves to caring for some of our state's most fragile residents." Simmons lists "some facts" to illustrate the FHCA's role in assisting facilities with emergency preparedness, and notes the Hollywood Hills facility "isn't even a member of our association."

## **Nutrition & Obesity:**

### **CHICAGO-AREA SODA TAX REPEAL THREATENS FUTURE OF SIMILAR REGULATIONS.**

USA Today (10/11, Bomey, 8.62M) reports that "a Cook County board committee's" 15-2 vote to repeal the county's soda tax places "the future of similar measures across the U.S. in jeopardy." The article says the vote was prompted by "a backlash from store owners, drink companies and bottlers."

The AP (10/11) reports the repeal follows a "a monthslong conflict" involving "a court battle" and significant monetary investment by "both sides."

Reuters (10/11, Prentice, Pierog) reports that the repeal is "significant" for being "the first" overturned soda tax "since a string of U.S. cities last year voted in favor of such taxes."

Bruce Japsen writes for Forbes (10/11, Japsen, 5.11M) that the overwhelming 15-2 vote "comes despite a recent multi-million-dollar advertising blitz in the Chicago media market by billionaire businessman Michael Bloomberg" in an effort to save the tax.

The Chicago Tribune (10/11, Trotter, Yerak, 1.98M) quotes Rosie Regas, co-owner of the Fairplay independent chain's three Chicago stores, saying, "This was a nightmare. I get it — the county needs money. But find another way." Regas' three stores saw a 27 percent drop in sweetened drink sales.

Contributors Guy Bentley and Daniel Takash write in a Washington Examiner (10/11, 465K) op-ed that the result "should serve as a warning to lawmakers across the country that these taxes" are damaging to "consumers and businesses while failing to achieve their stated objectives and that voters" won't tolerate them.

## **Medicare:**

### **CMS RELEASES STAR RATINGS FOR MEDICARE ADVANTAGE AND PRESCRIPTION DRUG PLANS.**

Modern Healthcare (10/11, Castellucci, Subscription Publication, 238K) reports that "CMS' release of its Medicare star ratings reveals that performance among insurers overall in Medicare Advantage remains largely unchanged year-over-year." The latest data released Wednesday show that "the number of Medicare Advantage plans that performed well in the CMS' star ratings program dropped slightly from last year," while the number of insurers that receive certain ratings "hasn't changed significantly in recent years."

Healthcare Finance News (10/11, Morse, 93K) reports "Kaiser Permanente, Tufts Health Plan, and Anthem in New Hampshire are among 26 plans receiving five stars" in CMS' rating for 633 Medicare Advantage and prescription drug plans.

## **Medicaid & CHIP:**

### **OPINION: MEDICAID EXPANSION IS AN OPPORTUNITY TO ADDRESS HEALTHCARE INEQUALITY IN MAINE.**

Dr. Jeffrey Graham of C.A. Dean Hospital in Greenville writes in a Bangor (ME) Daily News (10/11, 162K) op-ed that Maine voters should vote "yes" on Question 2, which would expand Maine's Medicaid program. Dr. Graham says expanded Medicaid in Maine would "provide health care coverage to 70,000 Mainers" and address the injustice of healthcare inequality. Dr. Graham adds that expanded Medicaid would help Maine's fight against the opioid epidemic.

## **Health & Medical News:**

**FDA TO CONSIDER EXPERIMENTAL GENE THERAPY FOR BLINDNESS.** CNN (10/11, Scutti, 33.59M) reports that on Thursday, a Food and Drug Administration advisory committee will meet to review Luxturna (voretigene neparvovec) in a public meeting. If approved, Luxturna "would become the first gene therapy for the treatment of an inherited disease in the United States," Leber's congenital amaurosis (LCA), a rare disease that "causes severe visual impairment beginning in infancy." The piece profiles a young patient whose vision improved after the treatment. Luxturna is credited with improving the eyesight of 93 percent of participants in a Phase 3 clinical trial. CNN adds that the FDA is not required to follow the recommendation of the advisory committee.

**EXPERIMENTAL GLAUCOMA DRUG EFFECTIVELY LOWERS EYE PRESSURE, FDA PRELIMINARY REVIEW CONCLUDES.** Reuters (10/11, Clarke) reports that a preliminary review by the Food and Drug Administration concludes that Aerie Pharmaceuticals' Rhopressa (netarsudil ophthalmic solution) "is effective in lowering eye pressure" among patients with glaucoma. However, "the agency said the product was less effective when given twice a day in people with the highest pressure."

Fierce Biotech (10/11, Taylor) reports that "a panel of experts convened by the FDA will take a deep dive into the data and opine on its merits on Friday."

**LEGISLATION TO ESTABLISH DIABETES COMMISSION HEADS TO WHITE HOUSE.** The AP (10/12) reports a bipartisan bill authored by Sens. Jeanne Shaheen (D-NH) and Susan Collins (R-ME) to "establish a national commission of health care experts on diabetes care and prevention is headed to President Donald Trump's desk." The co-authors say that the law will bring private and public sector experts, clinical endocrinologists, diabetes researchers, and others to improve "education, care delivery and patient outcomes." The piece mentions that the CDC says nearly 26 million Americans have diabetes, plus another 79 million have pre-diabetes.

**SMALLPOX VACCINE MADE OF HORSEPOX, NOT COWPOX, RESEARCH INDICATES.** Newsweek (10/11, Firger, 991K) reports that a paper published Wednesday in the New England Journal of Medicine found "compelling new information that suggests the effective ingredient in the smallpox vaccine is" made of horsepox rather than cowpox, as was previously believed. The smallpox virus still resides at high containment repositories in the CDC headquarters, "and at the State Research Centre of Virology and Biotechnology (VECTOR) in Novosibirsk, Russia." While "the World Health Assembly plans to destroy supplies of the virus in these labs," the virus "has proven useful for medical research to develop experimental treatments for other diseases such as cancer."

**SANOFI TO INVEST \$202 MILLION TO EXPAND FRENCH VACCINE FACILITY.** Reuters (10/12, Blamont) reports that Sanofi plans to invest \$202 million to expand its vaccines manufacturing site at Val-de-Reuil in northwestern France. Sanofi said Thursday that the new facility will allow its Sanofi Pasteur vaccines division to increase supply of one of its influenza vaccines, VaxigripTetra, to up to 70 countries. David Loew, executive vice president at Sanofi, said, "Influenza continues to be a major public health problem around the world, causing serious complications, hospitalizations and deaths, mostly for certain high-risk individuals."

**SAN DIEGO SCHOOL DISTRICT CONSIDERS LATER START TIMES.** The San Diego Union-Tribune (10/11, Warth, 668K) reports the San Diego Unified School District "board on Tuesday unanimously supported Trustee John Lee Evans' motion to provide each school cluster...with information to help decide whether to move back the start of the school day." The Union-Tribune notes that "fifteen out of the district's 16 comprehensive high schools start around 7:30 a.m.," but "the American Academy of Pediatrics, American Medical Association, Centers for Disease Control and National Institutes of Health have endorsed 8:30 a.m. start times for secondary



schools over the past three years.” The article highlights medical opinion that “it would be wrong to ignore the effects of sleep deprivation on the brain.”

**STUDY SUGGESTS PROSTATE CANCER PATIENTS ARE UNCLEAR ON DIFFERENCES AMONG TREATMENTS.** Reuters (10/11, Harding) reports that a study published Sept. 28 in the journal BJU International suggested “many patients with localized prostate cancer don’t understand the differences between their treatment options.” Researchers “analyzed questionnaires completed by 474 prostate cancer patients who had just received information about their treatment options from a urologist,” and found that “just over one-third of the patients were aware that cancer recurrence was just as likely with surgery as with radiation, while 39 percent were aware that prostatectomy increased the risk of incontinence.” In addition, “forty-five percent of the survey respondents thought that patients on active surveillance always wound up receiving radiation or therapy later on,” and “only half of patients on active surveillance require definitive treatment.”

**FRED HUTCHINSON, MD ANDERSON EXAMINE TOXIC SIDE EFFECTS OF CAR-T THERAPY.** The Washington Post (10/12, McGinley, 10.38M) “To Your Health” blog reports that the Fred Hutchinson Cancer Research Center and MD Anderson Cancer Center are researching the negative side effects of CAR T-cell therapy. Fred Hutchinson’s research, based on a clinical trial of 133 patients, found cytokine release syndrome (CRS) and neurotoxicity to be common side effects of CAR-T therapy. Meanwhile, in an article published in Nature Reviews Clinical Oncology in September, MD Anderson Cancer Center researchers “proposed guidelines for systematically dealing with the toxicities caused by the drugs,” based on a study of 100 patients.

**EXPERT PANEL DISCUSSES FUTURE OF CANCER RESEARCH AND TREATMENT.** STAT (10/11, Joseph, 43K) reports the “Warn on Cancer 3.0” panel, sponsored by STAT and the Jackson Laboratory, spoke about the future of cancer research and treatment at the HUBweek festival. Panel member Tyler Jacks, the director of the Massachusetts Institute of Technology’s Koch Institute for Integrative Cancer Research, said, “We have entered a new era.” Another panel member Dr. Jeff Engelman, the vice president and global head of oncology research at Novartis, said that cancer researchers don’t follow a single path to make discoveries anymore, because researchers have a variety of tools at their disposal.

**PUERTO RICO INVESTIGATING POSSIBLE CASES OF LEPTOSPIROSIS.** The AP (10/11, Melia) reports that officials are investigating four deaths in the wake of Hurricane Maria as potential cases of leptospirosis, “a disease spread by animals’ urine.” Puerto Rico’s governor referenced the investigations on Wednesday, as worries over “exposure to contaminated water” continue to fester, the article says. The article adds that the CDC is helping investigate, as symptoms of the disease are similar to “those of other illnesses, including dengue.”

**SYRACUSE UNIVERSITY MUMPS OUTBREAK MAY SURPASS 18 CASES.** The Syracuse (NY) Post-Standard (10/11, 690K) reports that a Syracuse University mumps outbreak has “13 confirmed cases and five probable cases,” and over “10 other students are considered suspect cases...requir[ing] further testing,” according to information obtained from local health officials on Wednesday.

**WASHOE COUNTY OFFICIALS CONFIRM FIRST HANTAVIRUS FATALITY SINCE 1995.** The AP (10/11) reports that health officials in Washoe County “confirmed their first fatal case of hantavirus” in over two decades. The article said the county’s last death associated with the rodent-transmitted illness occurred in 1995.

**STATES ACTING ON DRUG PRICES AFTER FEDERAL INACTION.** The Hill (10/11, Roubein, 1.68M) reports that as there has been “little action in Washington to rein in the costs of prescription drugs,” some state governments “are taking matters into their own hands” and passing prescription drug pricing transparency laws. This year, “dozens of bills on drug pricing were filed in state legislatures” and “advocates are hoping to rack up wins in more states next

year.”

**OPINION: FEDERAL POLICIES OBSTRUCT VALUE-BASED PRICING FOR PRESCRIPTION DRUGS.** In an opinion piece for The Hill (10/11, 1.68M), former Rep. Jim Greenwood (R-PA) writes that value-based pricing is “showing great promise in other areas of health care” but faces obstacles for prescription drugs due to “outdated federal rules.” Greenwood highlights Medicaid’s “Best Price” rule and “restrictions on communications between drugmakers and payers” as “policies may have been appropriate for the old payment model based on volume or consumption” but also “act as barriers to a value-based approach.”

**SHORTAGE OF PHYSICIANS SPECIALIZING IN GENETICS, DESPITE BOOM IN RESEARCH.** STAT (10/11, Thielking, 43K) reports that although “research grounded in genetics is booming,” there is a “shortage of doctors trained to diagnose and treat such illnesses.” The article explains the shortage likely has several causes, including a lack of exposure to genetics for medical students and comparatively low pay.

**PROBLEMS REMAIN AT JOHNSON & JOHNSON PHARMACEUTICAL FACILITIES IN PUERTO RICO.** STAT (10/11, Silverman, 43K) reports that an internal document shows that at Johnson & Johnson’s seven prescription drug manufacturing facilities in Puerto Rico, “connectivity remains an issue and so production will vary considerably from location to location” after Hurricane Maria. A spokesperson said the “potential for intermittent shortages” exists for certain products, but pointed out that many are produced in other locations that can help meet demand.

**PENNSYLVANIA GOVERNOR SIGNS “RIGHT TO TRY” LAW.** The AP (10/11) reports Pennsylvania Gov. Tom Wolf (D) on Wednesday ratified a “right to try” bill, making the state the 38th in the US to enact such a law giving terminally ill patients access to experimental treatments that do not have full federal regulatory approval. Under the law, manufacturers of medical drugs, products, and devices may provide them to patients who have recommendations from physicians and who have been unable to participate in clinical trials.

The Doylestown (PA) Intelligencer (10/11, Callahan, 20K) reports one terminally ill patient reacted to the law by saying it is “another arrow in our quiver to fight for our lives,” adding that with regard to FDA regulatory approval, “I don’t need the FDA to protect me from death.”

**MERCK TO DISCONTINUE MARKETING FOR CHOLESTEROL TREATMENT.** The AP (10/11, Johnson) reports Merck on Wednesday said it will abandon marketing efforts for its CETP inhibitor called anacetrapib, an experimental cholesterol treatment, following years of testing. According to the article, it is “the fourth time this type of once-promising drug has been scrapped.”

Reuters (10/11, Banerjee) reports Merck “said...the clinical profile of the treatment does not support regulatory filings.” A large study on anacetrapib found it “cut the risk of heart attack and death by a modest 9 percent, while causing a build up of the drug in fat tissue, leaving its commercial future uncertain.”

**ARDELYX ANNOUNCES IBS TREATMENT SUCCEEDS IN LATE-STAGE TRIAL.** Reuters (10/11, Mathias) reports Ardelyx Inc on Wednesday said a second late-stage trial of its experimental irritable bowel syndrome with constipation (IBS-C) treatment tenapanor met the primary study goal of reducing abdominal pain by at least 30 percent and increasing bowel movement compared to a placebo group. Ardelyx said it plans to file for approval with the FDA late in 2018.

**PHARMACEUTICAL INDUSTRY APPEALS SOUTH DAKOTA DECISION ON PRESCRIPTION PAYMENT BALLOT MEASURE.** The AP (10/11, Nord) reports South Dakota Biotech and Pharmaceutical Research and Manufacturers of America “have appealed to the South Dakota Supreme Court after a state judge rejected their challenge to Attorney General Marty Jackley’s



explanation” of a ballot measure seeking to limit the price state agencies pay for prescription medications. While Jackley said his explanation was “fair, clear and simple,” industry members “argued that the explanation falls short because it doesn’t mention language giving supporters legal standing if the initiative is challenged in court.”

**DISTRICT JUDGE TO DETERMINE WHETHER ALLERGAN PATENT TRANSFER CONSTITUTES “SHAM” DEAL.** Reuters (10/11, Frankel) reports US District Judge William Bryson is preparing to decide whether Allergan’s agreement to transfer patents for its dry eye treatment Restasis to the Saint Regis Mohawk Tribe “was merely a sham to allow the drug company to evade a challenge to its patents in a completely different forum.” Allergan notified Bryson of the transfer and requested the tribe be counted as plaintiffs in a challenge to Restasis’ patents, filed by Mylan, that Bryson already was considering. According to Reuters, the “seemingly routine procedural issue” of adding the tribe as plaintiffs is now “a test of the legitimacy of a patent litigation tactic that is as creative as it is controversial.”

**CONSUMERS MAY NOT RECOGNIZE DRUG SIDE EFFECTS WHEN ADS CONTAIN LONG LISTS OF RISKS, STUDY SUGGESTS.** The New York Daily News (10/11, Gibbs, 3.61M) reports a study (PDF) published in the journal *Nature Human Behaviour* found “that when a drug advertisement throws too many risks at you...the less risky a drug is perceived to be by a potential consumer” based on “a psychological phenomenon called ‘the dilution effect.’” The article says advertisements for medications “are required by the Food and Drug Administration to list their risks along with the drug’s benefits,” although “savvy marketers” may have found “that the more risks the commercial or print ad lists, the better for their brand because the smaller side effects dilute the larger risks.”

**CICLOMED GAINS FDA APPROVAL TO BEGIN CLINICAL TRIALS FOR BLADDER CANCER TREATMENT.** The Kansas City (MO) Business Journal (10/11, Reuter, Subscription Publication, 876K) reports CicloMed LLC of Kansas City, Missouri, recently received FDA approval to begin human clinical trials for use of its Ciclopriox Prodrug among bladder cancer patients, the company said Wednesday. CicloMed is a subsidiary of BioNovus Innovations LLC and will begin clinical trials at a number of cancer centers.

**AMAZON ENTERING PHARMACY SPACE COULD LOWER DRUG PRICES, MORGAN STANLEY SAYS.** CNBC (10/11, Farr, 3.48M) reports on its website that Morgan Stanley issued a new analysis for investors outlining how Amazon’s possible entry into pharmacy could benefit consumers, positing that the company could open “virtual retail pharmacies...to drive pricing down,” forge relationships with generic drug makers to further lower treatment prices, and establish partnerships with branded drug makers. Morgan Stanley predicts such actions would generate rebates and similar discounts that companies and pharmacy benefits managers could “pass back to consumers.”

**HYPERTENSIVE WOMEN IN THEIR 40S MAY BE AT INCREASED RISK FOR DEMENTIA IN LATER YEARS, STUDY INDICATES.** In “Well,” the New York Times (10/11, Bakalar, Subscription Publication, 13.56M) reports that women with hypertension “in their 40s are at increased risk for dementia in later years, researchers” concluded in a study published online Oct. 4 in *Neurology*. The study, which included “5,646 men and women” who were followed for years starting in 1964, revealed that “women who were hypertensive at an average age of 44 had a 68 percent higher risk for dementia than those who had normal blood pressure at that age, even after” adjusting for confounding factors. The finding appears not to apply to hypertensive men “in their 30s or 40s,” however.

**TAI CHI MAY BE USEFUL WAY TO INTRODUCE RELUCTANT PEOPLE TO EXERCISE AFTER A HEART ATTACK, STUDY INDICATES.** TIME (10/11, Park, 5.85M) reports, “In a small new study published” online in the *Journal of the American Heart Association*, investigators “found that tai chi might be a useful way to introduce reluctant people to exercise” after having had a heart attack. The study included 29 heart attack patients who refused to participate in



traditional cardiac rehabilitation.

MedPage Today (10/11, Lou, 60K) reports the authors of an accompanying editorial observed, "Ultimately, it may become possible to attribute the benefits of cardiac rehabilitation to its different components, and it may be prudent to prescribe the particular component (or equivalent alternative) most needed and/or preferred by each patient, especially for those unable or unwilling to participate in a comprehensive cardiac rehabilitation program." One of the editorialists disclosed "a postdoctoral training grant from the National Heart, Lung, and Blood Institute."

**PREVALENCE OF HOSPITAL ADMISSIONS FOR STROKE THAT HAD CONCOMITANT HYPERTENSION, DIABETES, AND DYSLIPIDEMIA INCREASED MORE THAN 200% BETWEEN 2004 AND 2014, STUDY FINDS.** According to the NPR (10/11, Fulton, 2.4M) "Shots" blog, "for years," physicians have been warning patients that "high cholesterol, cigarette smoking, illegal drug use and diabetes increase" the "chances of having a potentially fatal stroke." Nevertheless, the majority "of the stroke patients showing up at hospitals from 2004 to 2014 had one or more of these risk factors." What's more, "the numbers of people at risk in this way tended to grow among all age groups and ethnicities in that time period," researchers found.

MedPage Today (10/11, Jenkins, 60K) reports researchers "noted that the prevalence of hospital admissions for stroke that had concomitant hypertension, diabetes, and dyslipidemia increased by more than 200%, from 9.4% to 23.7%, during the study period." The findings of the 922,000-participant study were published online in Neurology. The author of an accompanying editorial, however, "warned against rushing to judgment about healthcare performance in the US without a more careful inspection of the data."

**CONFERENCE FOCUSES ON PREVENTING YOUTH SUICIDE AMONG NATIVE AMERICANS.** The Helena (MT) Independent Record (10/11, Loranger, 36K) reports on two-day conference in Helena on mental health focused on ways to prevent suicide among Native American youth. The conference is "the first step in The Native Youth Suicide Reduction Plan" and included more than 75 people from tribal governments, Urban Indian Health Centers, the Indian Health Service, and the Department of Health and Human Services.

**RESEARCHERS IDENTIFY FACTORS TO HELP PREDICT SEVERE TOXICITIES AMONG PATIENTS RECEIVING CAR-T INFUSIONS.** STAT (10/12, Keshavan, 43K) reports that a study published in Cancer Discovery finds that patients "with severe lymphomas and leukemias who received CAR-T infusions" who "displayed early side effects like fevers, low blood pressure, and spikes in an inflammatory cytokine protein called IL6 were more prone to having severe toxicities later on." They also found that fatal toxicities happen more often with younger patients and patients receiving CAR-T infusions with higher potency.

**SAN ANTONIO JOINS INITIATIVE TO REVERSE INCREASE IN HIV.** The San Antonio Express-News (10/12, Ravani, 1.18M) reports on San Antonio's launch of the Fast Track Cities initiative which aims to lower the number of new HIV diagnoses in Bexar County. HIV diagnoses have "steadily increased over the last decade, reaching 360 a year in 2016, said Colleen Bridger, the director of Metro Health" who organized the meeting to launch the initiative. "The initiative is a part of an international effort to reach a 90-90-90 target where 90 percent of people with HIV know their status, 90 percent of people with HIV are being treated and 90 percent of them have suppressed viral loads or are 'undetectable.'"

## **Global Health:**

**MADAGASCAR SAYS PLAGUE OUTBREAK HAS SPREAD TO SEYCHELLES.** The New York Times (10/11, McNeil, Subscription Publication, 13.56M) reports that Madagascar's health ministry said Wednesday that the country's plague outbreak "has spread to the Seychelles, a nearby chain of islands in the Indian Ocean." The ministry said, in the Times' words, "a 34-year-old man who fell ill after returning from Madagascar on Friday has tested positive for pneumonic

plague,” and he “is now in isolation at Seychelles Hospital and is receiving antibiotics.” The Times notes that Madagascar’s “outbreak has killed at least 50 people so far, and 500 confirmed cases have been reported, according to the World Health Organization and Madagascar’s health ministry.”

**STUDY MAPS RISK OF FATAL FEVER EPIDEMICS ACROSS AFRICA.** Reuters (10/11, Guilbert) reports that research published in “The Lancet medical journal assessed the likelihood of four viruses – Ebola, Lassa, Marburg and Crimean-Congo – spreading on” Africa, “charting progress from a first human case through to a potential pandemic.” Researchers said “West Africa is most at risk of fatal haemorrhagic fever epidemics, including Ebola.” University of Washington professor Simon Hay said, “This study’s framework provides an important tool for pinpointing where local surveillance and pre-emptive countermeasures are most needed.”

**EXPERTS DISAGREE ABOUT GLOBAL DANGER OF DRUG-RESISTANT MALARIA SPREADING IN SOUTHEAST ASIA.** Science Magazine (10/11, Roberts, 399K) reports that a drug-resistant form of malaria is spreading throughout Southeast Asia. However, scientists disagree about its worldwide threat level. The article says a “team from the Mahidol Oxford Tropical Medicine Research Unit in Bangkok writes in the October issue of The Lancet Infectious Diseases” that the strain could have devastating consequences, and the group’s head is pushing for the declaration of a Public Health Emergency of International Concern. The article, however, also quotes multiple experts who believe the risk is being overblown.

**BOTSWANA OFFICIALS DETECT ANTHRAX IN DEAD HIPPOS FOLLOWING SIMILAR OUTBREAK IN NAMIBIA.** Reuters (10/11) reports that authorities in Botswana on Wednesday said that anthrax has been identified in deceased hippos in the Okavango River. Neighboring Namibia similarly announced Monday that over 100 hippos died of anthrax in its northeastern region.

**ALBERTA TO BAN MINORS FROM USING UV TANNING BEDS.** The Canadian Press (10/11, Cotter) reports that Alberta Health Minister Sarah Hoffman said Wednesday that “youths under 18 will not be allowed to use ultraviolet tanning machines starting on Jan. 1.” Hoffman said, “Research has shown that using artificial tanning when you are under 35 dramatically increases your risk for melanoma. The changes we’re making will help protect our youth from a disease that affects hundreds of Albertans every year.” The article notes that the “Canadian Cancer Society had been urging the...government to take action, warning the delay has been putting young people at risk of developing skin cancer, including potentially deadly melanoma.”

**ITALY TO CULL BIRDS IN RESPONSE TO FIVE OCTOBER H5N8 AVIAN FLU OUTBREAKS.** Reuters (10/11, Pullella) reports that Italy will cull nearly 900,000 birds as a result of five outbreaks of H5N8 avian flu in October, according to officials who spoke Wednesday. The outbreaks have occurred “in farms the central and northern parts of the country,” the story says.

**PROMINENT UK RESEARCHER WARNS LACK OF POST-BREXIT CLARITY COULD JEOPARDIZE PHARMACEUTICAL R&D.** BBC News (UK) (10/11, 1.61M) reports that professor Jeremy Farrar, head of the Wellcome Trust and “one of the UK’s most influential research leaders,” warns that the UK could lose its position in pharmaceutical R&D if its post-Brexit plans are not made clear soon. “If that clarity is not forthcoming and people can’t be sure of their long-term stability and the clarity of those future relationships, then inevitably that will be factored into their investment decisions,” Farrar said.

## **National News:**

**MEDIA ANALYSES: TRUMP THREATENS FREE PRESS WITH REACTION TO NBC REPORT.** All three broadcast networks covered President Trump’s criticism of an NBC report (10/11, Kube, 3.46M) stating that he called for a tenfold increase in the size of the US nuclear arsenal during a July meeting, and the President’s seeming suggestion that media outlets should



face the loss of broadcast licenses for such reporting. The latter thread of the story gets the most attention and it is universally negative, with multiple outlets comparing Trump's words to President Nixon's abuse of power against the media, questioning Trump's commitment to the First Amendment, and noting that federal broadcast licenses do not exist.

NBC Nightly News (10/11, story 3, 2:40, Holt, 16.61M) reported that Trump made comments "about the size of the US nuclear arsenal...that stunned a top secret meeting shortly before the Secretary of State called him a 'moron.' The President dismissed our reporting, saying it's not true and that our sources are made up. Those sources, however, do exist. In fact, three of them were in the room when the President talked about dramatically increasing the number of US nukes." Trump: "No, I never discussed increasing it. We won't need an increase. But I want modernization, and I want total rehabilitation. It's got to be in tip-top shape." NBC's Kristen Welker: "But three officials present in the room say the [July 20] meeting was at times tense, including when the President was shown a chart of the history of the nuclear arsenal peaking in the late 1960s at more than 32,000 weapons. The President told his team he wanted the US to have that many. The current number stands at 4,000. ... In disputing the NBC News report, the President took the extraordinary step of appearing to attack the First Amendment, tweeting about NBC and the networks, 'At what point is it appropriate to challenge their license?'" Ten hours after that initial tweet, Trump tweeted, "Network news has become so partisan, distorted and fake that licenses must be challenged and, if appropriate, revoked. Not fair to public!"

On ABC World News Tonight (10/11, story 6, 2:10, Muir, 14.63M), Jonathan Karl reported that the President's Wednesday comment was "actually a change from December, when he tweeted, 'The United States must greatly strengthen and expand its nuclear capability until such time as the world comes to its senses regarding nukes.' Today, the President didn't just dispute the NBC report, but went so far as to question their right to report it." Trump: "And it's frankly disgusting the way the press is able to write whatever they want to write. And people should look into it." Karl: "And on Twitter, he seemed to make a threat: 'With all of the fake new coming out of NBC and the networks, at what point is it appropriate to challenge their license? Bad for country!'" In a 30-second item, the CBS Evening News (10/11, story 4, 0:30, Mason, 11.17M) called those comments "a page out of the Nixon playbook, which included license challenges and threats of antitrust suits against the networks."

USA Today (10/11, Estepa, 8.62M) reports, "Angry over a story that said he wanted to increase the country's nuclear arsenal, President Trump charged on Wednesday that NBC and other news networks should have their licenses challenged." The Washington Post (10/11, Nakamura, 10.38M) reports that the President "threatened NBC over a news report he called 'pure fiction.'" The President "has previously challenged NBC's reporting on the meeting, including a revelation" that Tillerson "referred to the president as a 'moron' after the meeting and considered resigning from the Cabinet."

The New York Times (10/11, Baker, Kang, Subscription Publication, 13.56M) reports that the President "threatened" NBC, drawing "criticism that the president was using his office to undermine First Amendment guarantees of free speech and free press. And, in fact, the networks themselves – and their news departments – do not hold federal licenses, though individual affiliates do." Like CBS, the Times also compared Trump to Nixon, who "told advisers to make it difficult for The Washington Post to renew the F.C.C. license for a Florida television station it owned." The Los Angeles Times (10/11, Bierman, Bennett, 4.49M) similarly writes that Trump "has threatened press freedoms before, but on Wednesday, he went a step further: suggesting that television networks lose their federal broadcast licenses for what he considers 'fake news.'" The Times also says the threat "recall[ed] for many the threats of President Richard M. Nixon."

Politico (10/11, Nelson, McGill, 3.6M) reports, "Trump lashed out at NBC, appearing to make a threat that is not even possible, given that the Federal Communications Commission doesn't directly license networks." The Daily Caller (10/11, Ross, 521K) says that "any attempt to take NBC News or other networks off the air would be nearly impossible," and Bloomberg News



(10/11, Shields, 4.52M) says that Trump can “probably not” do that, “in part because the NBC network he attacked has no licenses (which are issued to TV stations) and in part because the federal government cannot legally police political speech.”

The Wall Street Journal (10/11, Bender, Subscription Publication, 6.45M) also reports that Trump denied calling for the massive increase in the nuclear arsenal. Reuters (10/11), the Washington Times (10/11, Boyer, Persons, 541K), and The Hill (10/11, Easley, 1.68M) have straightforward accounts of the President’s remarks.

***Mattis Calls NBC Report “False” And “Erroneous.”*** The Washington Examiner (10/11, Brown, 465K) reports that Defense Secretary Mattis also challenged the report, saying, “Recent reports that the President called for an increase in the US nuclear arsenal are absolutely false. This kind of erroneous reporting is irresponsible.” The Daily Caller (10/11, Pickrell, 521K) and Townhall (10/11, Brown, 523K) also cover Mattis’ statement.

***Sasse Asks If Trump Is “Recanting” Oath To Defend First Amendment.*** The Washington Examiner (10/11, Correll, 465K) reports that Sen. Ben Sasse “is questioning whether President Trump is still committed to preserving the First Amendment after he repeatedly floated retribution against the media for publishing stories he doesn’t like.” In a statement, Sasse said, “Mr. President: Words spoken by the President of the United States matter. Are you tonight recanting of the oath you took on January 20th to preserve, protect, and defend the First Amendment?”

***White House Says Trump’s Relations With Tillerson Are Fine.*** Sara Murray reported on CNN’s Situation Room (10/11, 1.12M) that Trump on Wednesday “downplayed any talk of tension between himself and his Secretary of State as old news, something that happened last week.” Murray continued: “In fact, the White House does say the President had lunch with Secretary Tillerson yesterday.” Kellyanne Conway said on Fox News’ America’s Newsroom (10/11, 1.71M) that the President “has confidence in his secretary of state and his entire Cabinet. They met yesterday for lunch and they are in touch very closely as you can imagine as any president and secretary of state are.”

***NYTimes Says Congress Should Limit Trump’s Ability To Launch Nuclear Attack.*** The New York Times (10/11, Subscription Publication, 13.56M) editorializes, “The broad debate over President Trump’s fitness for the difficult and demanding office he holds has recently been reframed in a more pointed and urgent way: Does he understand, and can he responsibly manage, the most destructive nuclear arsenal on earth?” The Times writes that “Congress has been sufficiently alarmed to consider legislation that would bar the president from launching a first nuclear strike without a declaration of war by Congress,” which is “a sound idea [that] could be made stronger with a requirement that the secretaries of defense and state also approve any such decision.”

***TRUMP PITCHES TAX PLAN TO TRUCKERS IN PENNSYLVANIA.*** Coverage of President Trump’s stop outside Harrisburg, PA to promote his tax reform plan is heaviest in print and local media, with only one broadcast network airing a brief report. Reports stress the President’s pitch to truck drivers as he tries to portray the plan as beneficial to the middle class – and not a boon for the wealthiest. Some reports also say that Trump chose Pennsylvania hoping to put pressure on Democratic Sen. Bob Casey, who is up for re-election next year in a state Trump carried in 2016.

ABC World News Tonight (10/11, story 8, 0:50, Muir, 14.63M) reported that the President was in Pennsylvania “talking about his proposed tax plan, and making some new promises about how much middle class families would save under the plan.” ABC’s Cecilia Vega: “President Trump says the typical American family will save \$4,000 – a ‘pay raise,’ he is calling this. He is claiming this will come from cuts to the corporate tax rate. But this is a tax reform plan...with few details right now. Some experts say it’s actually the top one percent of income earners who will earn and win the most out of this plan, and it will add trillions to the federal deficit.”

The Harrisburg (PA) Patriot-News (10/11, 553K) reports that after the “tax reform plan initially was skewered by critics as a boon for the wealthy,” the President “took a deliberate blue-collar approach to present his proposed tax cuts in the Harrisburg area.” At an airport stop near Harrisburg, “he invited groups of truckers, staged rigs as a backdrop and presented his framework for an overhaul of the country’s tax code in terms of how it would affect truckers.” Trump said, “Our framework ensures that the benefits of tax reform go to the middle class, not to the highest earners. It’s a middle-class bill.”

The Allentown (PA) Morning Call (10/11, Olson, 312K) reports that the President promoted the plan “as a proposal that will benefit Pennsylvania truckers and trucking company officials seeking to pass on their businesses to their children.” He told a crowd of about 1,000, “When your trucks are moving, America is growing.” Transport Topics (10/11, Lamb) reports that “representatives from trucking companies, many of which are family-owned, expressed enthusiasm at the prospect of ending the estate tax,” saying that would make it easier to keep businesses in their families.

WPMT-TV Harrisburg, PA (10/11, 10:05 p.m. EDT, 14K) reported that Trump “focused on the trucking industry, which he called a critical partner in keeping the American economy running and competing with other countries.” WHTM-TV Harrisburg, PA (10/11, 11:02 p.m. EDT, 13K) reported, “You could say the President was preaching to the choir. a thousand invited guests, mostly pro-business. He was warmly received as he talked taxes, trucks and truckers.” WGAL-TV Lancaster, PA (10/11, 11:01 p.m. EDT, 49K) reported that Trump “rebuffed critics who claim his plan is a big win for the wealthy.”

The AP (10/11, Lucey, Boak) reports, “Trump has left it up to Congress to fill in many specifics of his plan, which omits details such as the income levels for his new tax brackets. The outreach to truckers in Pennsylvania is an attempt to give a blue-collar appeal to a framework that outside tax analysts say would largely favor the wealthy.” The President told the truckers, “You’re going to make more money. You’re going to do better than ever before. And we truly admire you. You are our heroes, believe me. You are our heroes.” Charles Hurt of the Washington Times said on Fox News Special Report (10/11, 2.11M), “This is by far the most populist presidency we’ve had in modern times. I don’t ever remember a president campaigning or hosting an event with long-haul truck drivers.”

Philly (PA) (10/11, Whelan, 1.19M) reports that Trump stuck “mostly to the words on a TelePrompter,” and “stayed away from the distractions that have muddled his message in recent days: the fight over NFL players kneeling in protest during the national anthem, for instance; the dispute with Secretary of State Rex Tillerson, who had called the president a “moron,” over the two men’s respective IQs; and his Twitter-sniping with ESPN.”

The Washington Post (10/11, Paletta, Wagner, 10.38M) reports that the speech “came just one week before Senate Republicans must decide whether to pave the way for his tax plan.” With Sen. Rand Paul “expected to oppose the budget resolution, as he has traditionally voted against any budget that doesn’t eliminate the deficit,” the Administration will need near-unanimity among other Senate Republicans, or some Democratic support. The Hill (10/11, Fabian, Jagoda, 1.68M) reports that Sen. Bob Corker has also “pledged not to vote for a tax bill if it adds to the deficit.”

The Washington Times (10/11, Miller, 541K) reports that the Pennsylvania venue was chosen “in part to put pressure” on Casey. Politico (10/11, Nussbaum, 3.6M) says the speech “did not include any sustained appeal to Democrats,” but the New York Times (10/11, Baker, Subscription Publication, 13.56M) headlines its report “In Pennsylvania, Trump Hunts For Democratic Support For Tax Plan,” writing that the President “took his campaign for tax cuts to another key battleground state on Wednesday in search of elusive Democratic votes” as he argued that the plan “would benefit middle-class Americans, like truck drivers, more than it would help his fellow business tycoons.” Casey, however, posted dozens of tweets Wednesday that were critical of the plan. The Washington Examiner (10/11, Weaver, 465K) reports that Trump touted Rep. Lou



Barletta (R-PA), who is challenging Casey, saying, "He's going to win. You're going to win big."

The Los Angeles Times (10/11, Mascaro, Puzzanghera, 4.49M) reports that as the President "hit the road Wednesday to promote the plan, Republicans in Congress were quietly discussing scaling back key provisions in an effort to deliver the top White House priority. There's already talk that the cornerstone of the GOP proposal – a dramatically reduced 20% corporate tax rate that Trump has called a 'red line' – may slip to 22% or 23%," with Republicans reporting "resistance from lawmakers and lobbyists who want to preserve deductions and loopholes that were targeted for elimination" to offset "the massive corporate cut from the current 35% rate."

House Republicans from Pennsylvania were on hand for the speech. Rep. Patrick Meehan (R-PA) tweeted, "Pleased to be on hand for @POTUS speech on #TaxReform in PA – strong focus on what tax reform means for middle class & small business jobs". Rep. Lloyd Smucker (R-PA) tweeted, "Great to be in Harrisburg for #taxreform today. @realDonaldTrump is right: make tax code simple, honest, and fair for all Americans."

USA Today (10/11, Shannon, Lee, Machcinski, Long, Heisey, 8.62M) reports, "Before the event, a group of about 20 protesters had been parked in a private parking lot just outside the fencing of Harrisburg International Airport." They "were asked by airport police to move their vehicles to a location about a half-mile from the staging area" and "moved their vehicles peacefully, but only two returned for when President Trump landed at the airport." Bloomberg News (10/11, Olorunnipa, Epstein, 4.52M) also reports on the speech.

**Trump: "It's A Massive Tax Cut."** Trump said on Fox News' Hannity (10/11, 2.32M), "First of all, it's a massive tax cut. ... When we first introduced it, for years they talked about tax reform. The problem with the word 'reform,' nobody understands what it means. It could mean you raise taxes. This is the largest tax cut in the history of our country."

**CEA Chairman: Trump Tax Cut Could Lift Wages By \$4,000 Per Year.** The Washington Free Beacon (10/11, Meyer, 158K) reports that Council of Economic Advisers Chairman Kevin Hassett, speaking at a Washington event on tax reform, said "a tax cut like the one President Trump is proposing could potentially lift wages by about \$4,000." Hassett said, "Over the last eight years the average real income growth was only about 0.6% per year. That's just not fast enough. ... What President Trump wants the team to do is come up with a plan that fixes that."

**Politico Analysis: Tax Cuts That Do Not Benefit Wealthiest Hard To Craft.** Politico (10/11, Faler, 3.6M) reports that while Trump "has promised that wealthy Americans won't get a massive tax cut as part of Republicans' plans to rewrite the tax code," that is hard to achieve, since "higher earners already shoulder most of the tax burden while average Americans pay a relatively small share of income taxes." That makes it "increasingly difficult to cut taxes, particularly tax rates, without favoring the rich."

Reuters (10/11, Becker, Morgan) reports that "about three-quarters of Americans say they believe the wealthiest people should pay more in taxes, Reuters/Ipsos polling shows." The survey found that 53% of adults "'strongly agree' that the wealthiest Americans should pay higher tax rates," while another 23% "somewhat agree."

**Cruz, Sanders To Debate Trump Tax Plan On CNN Next Week.** CNN (10/11, 33.59M) reports that Sens. Ted Cruz and Bernie Sanders will debate Trump's efforts to overhaul the nation's tax code on CNN on October 18 at 9 pm ET. The debate will be moderated by Dana Bash and Jake Tapper.

**ADMINISTRATION OFFICIAL: LONG-TERM PUERTO RICO RECOVERY PLAN IS IN THE WORKS.** Reuters (10/11, Rampton) reports that "an administration official" said Wednesday that the federal government is preparing a long-term plan to help Puerto Rico rebuild following Hurricane Maria. While the House "is set to consider on Thursday a \$4.9 billion loan for Puerto



Rico," the loan "is meant to be a short-term measure to help the island pay urgent bills." The Administration official said, "The Community Disaster Loan cannot and does not address the recovery, rebuilding, and future of Puerto Rico, which the administration intends to address with a more long-term solution in concert with the Puerto Rican government, oversight board, court and Congress."

***Eighty-Four Percent Of Puerto Rico Still Without Power.*** The Washington Post (10/11, Roig-Franzia, Hernández, 10.38M) reports that while life in San Juan "inches toward something that remotely resembles a new, uncomfortable form of normalcy," much of "the rest of the island lies in the chokehold of a turgid, frustrating and perilous slog toward recovery." According to the Governor's office, "eighty-four percent of the island is still without power," and "local officials in many areas are steeling themselves – with a sense of anger and dread – for six months or more without electricity." Moreover, "half of Puerto Ricans have no working cellphone service, creating islands of isolation within the island and cutting off hundreds of thousands of people in regions outside the largest metropolitan areas from regular contact with their families, aid groups, medical care and the central government."

***Maria Devastates Puerto Rico's Rain Forest.*** The New York Times (10/11, Ferré-sadurní, Subscription Publication, 13.56M) reports that Maria "obliterated" El Yunque National Forest, "the only tropical rain forest in the United States forest system." The forest "has been an enormous source of pride in Puerto Rico and one of the main drivers of the island's tourism industry."

***NBC Connects Family In US With Mother In Puerto Rico.*** NBC Nightly News (10/11, story 13, 1:35, Holt, 16.61M) reported on a Connecticut couple who have been unable to reach the husband's mother in Puerto Rico. Correspondent Gutierrez said NBC let the mother use a satellite phone, adding, "Tonight, this family is finally reconnected."

***DHS: ONE SHIP TRAVELING TO PUERTO RICO UNDER JONES ACT WAIVER DELIVERING FEMA AID.*** McClatchy (10/11, Daugherty, 67K) reports that while DHS said that 14 ships notified the government under President Trump's Sept. 28 waiver of the Jones Act and "three have completed their journeys to Puerto Rico," only one "is delivering FEMA aid to the island." DHS spokesman David Lapan said, "Most humanitarian relief supplies are being delivered by US government (DHS, FEMA and DoD [Department of Defense]) assets, or Jones Act-qualified vessels."

***HOUSE TO VOTE ON DISASTER AID BILL THURSDAY.*** Reuters (10/11, Rampton) reports that the House Appropriations Committee "has approved \$36.5 billion in emergency funding for relief and recovery from the recent devastating hurricanes and wildfires." The measure "includes \$7 billion more than the White House had sought last week and nearly \$6 billion more for the Federal Emergency Management Agency than the administration's request." In addition, it "includes \$576.6 million for wildfire efforts, \$16 billion for the National Flood Insurance program and a provision enabling low-income Puerto Ricans to receive emergency nutrition assistance." The Washington Post (10/11, Debonis, 10.38M) says the House is set to vote on the measure Thursday.

***Republican Study Committee Chair: Congress Must Plan And Budget For Future Natural Crises.*** In a Wall Street Journal (10/11, Subscription Publication, 6.45M) op-ed, Republican Study Committee Chairman Mark Walker (R-NC) writes that as the United States endures natural emergencies, Congress should plan and budget for future crises instead of simply creating last-minute disaster relief bills. Walker argues that although Congress should provide relief for current victims, without establishing a rainy day fund for the future, Congress is worsening the country's debt problem.

***SAN JUAN MAYOR COMMENTS ON FEUD WITH TRUMP.*** USA Today (10/11, 8.62M) picked up a PR story reporting that San Juan Mayor Carmen Yulín Cruz said of her public disagreement with President Trump, "I don't give a sh\*t." Cruz added, "This isn't about me or politics. I'm not

going to be the face you see out there just giving you a box of food for the photo op. I'm the face of the person who is going to make sure somebody gets that to you. ... So like the last scene of *Gone With the Wind* – 'Frankly my dear, I don't give a damn.'" While Cruz "says she doesn't care about being called a nasty woman," she "has a warning, too." She said, "If I were a Republican president...and I never would be one...I would be very worried. There is going to be an exodus of Puerto Ricans to the mainland. And Puerto Ricans vote Democrat. Anywhere they go, they will change the political landscape."

**TENTH CONSECUTIVE ATLANTIC HURRICANE FORMS FOR FIRST TIME SINCE 1893.** The CBS Evening News (10/11, story 9, 0:15, Mason, 11.17M) reported that the hurricane season "broke a record today when Ophelia became the 10th consecutive hurricane to form in the Atlantic," something that "hasn't happened since 1893."

**TRUMP: IF NFL HAD SUSPENDED KAEPERNICK, LEAGUE "WOULD NEVER HAVE HAD A PROBLEM."** President Trump said on Fox News' Hannity (10/11, 2.32M), "I watched Colin Kaepernick [kneel during the national anthem] and I thought it was terrible. Then it got bigger and bigger and started mushrooming. And frankly, the NFL should have suspended him for one game and he would have never done it again. They could have then suspended him for two games. And they could have suspended him if he did it a third time for the season and you would have never had a problem. I will tell you, you cannot disrespect our country, our flag, our anthem. You cannot do that." The Washington Times (10/11, Boyer, 541K) also reports on Trump's remarks.

Politico (10/11, Nelson, Tamborrino, 3.6M) reported that Trump tweeted earlier Wednesday "that 'it is about time' the NFL insist that its players stand during the national anthem, lauding NFL Commissioner Roger Goodell for 'demanding' such a rule be forthcoming – a characterization the NFL promptly shut down." Trump tweeted, "It is about time that Roger Goodell of the NFL is finally demanding that all players STAND for our great National Anthem-RESPECT OUR COUNTRY." However, NFL spokesman Brian McCarthy said in a Wednesday statement, "Commentary this morning about the Commissioner's position on the Anthem is not accurate. As we said yesterday, there will be a discussion of these issues at the owners meeting next week." Politico added that in a Tuesday memo to NFL executives, Goodell wrote, "Like many of our fans, we believe that everyone should stand for the national anthem."

The AP (10/11) reports that Trump's tweet was referring "to Goodell's meetings next week with NFL owners, where they will consider changes to a game manual that says players 'should' stand during the national anthem. That's a guideline that the league has left to the discretion of players who have kneeled in larger numbers after Trump's criticism." In addition, Goodell "told club executives Tuesday in a memo...that the anthem issue is dividing the league from its fans. He said the NFL needs to move past the controversy."

**Player Says San Francisco 49ers Won't Be Forced To Stand For Anthem.** The AP (10/11) reports that the San Francisco 49ers "won't be forcing their players to stand during the national anthem, safety Eric Reid said Wednesday. Reid, the first player to join Colin Kaepernick in protest last season, said he had a conversation recently with 49ers CEO Jed York, who indicated he will continue to support his players if they decide to kneel during the national anthem to protest social injustice. 'He's expressed very clearly that he wants to support us, that he's not going to force us to do anything,' Reid said. 'Speaking for our team, that's what he's told me explicitly.'"

**CNN Analysis: NFL, ESPN Have Struggled In Responding To Trump Criticism.** In an online analysis headlined "The NFL And ESPN Badly Misjudged Trump. Now They're Paying The Price," Gregory Krieg wrote for CNN (10/11, Krieg, 33.59M) that it's becoming "clearer that the NFL and ESPN's attempts to appease Trump have failed. ESPN retreated on Monday, suspending SportsCenter host Jemele Hill, who has been critical of Trump on Twitter, following 'a second violation of our social media guidelines.'" Krieg said that "Trump may be badly hobbled in Washington, DC, but he is no less an astute manipulator of public opinion. The NFL and ESPN, like so many presidential candidates last year, reacted to Trump's attacks with tactics drawn from



a bygone era.”

***NYTimes’ The Upshot: NFL “Now Among The Nation’s Most Divisive Brands.”*** Writing in “The Upshot” on the website of the New York Times (10/11, Quealy, Subscription Publication, 13.56M), Kevin Quealy said, “About three weeks ago” – prior to Trump saying “that NFL owners should fire players who kneel during the national anthem – Democrats and Republicans held relatively similar views about the league,” with approximately 60% saying “they viewed it favorably” and approximately 20% saying “they viewed it unfavorably, according to daily online surveys conducted by Morning Consult.” Now, however, “Trump voters are now much more likely to say that they view the NFL negatively, reflecting a sharp change around Sept. 23, when” he “criticized the players at a speech in Alabama.” Quealy added, “The NFL is now among the nation’s most divisive brands, behind Trump Hotels and a handful of media companies, including The New York Times.”

***Sharpton: In Suspending Hill, ESPN “Caved In To Pressure” From Trump.*** In a USA Today (10/11, Sharpton, 8.62M) op-ed, the Rev. Al Sharpton says, “On Monday, ESPN took the extreme measure of suspending host Jemele Hill for two weeks” because she exercised “her freedom of speech to make an analysis. While employers may have the right to dictate how their employees behave in the workplace and on social media, it is clear that ESPN caved in to pressure – pressure that came from the top.” Sharpton says that Trump “has repeatedly put direct pressure on both ESPN and the NFL to force their players to stand for the anthem. ... It’s maddening that the president can call for a boycott, or call players a ‘son of a b----,’ or call for private citizens to be fired, or tweet numerous things about the NFL, ESPN, Hill and athletes, and there are no consequences. But the moment a black woman speaks on the issue she is silenced.”

**TRUMP ANNOUNCES \$1 MILLION IN FEDERAL FUNDS FOR LAS VEGAS LAW ENFORCEMENT.** USA Today (10/11, Jackson, 8.62M) reports that the President and his aides said Wednesday that the federal government is giving \$1 million to the Las Vegas “to help offset overtime costs related to the investigation of the mass shooting earlier this month.” Trump wrote in a tweet, “Happy to announce we are awarding \$1M to Las Vegas – in order to help local law enforcement working OT to respond to last Sunday’s tragedy.” A written statement from the Justice Department “said the money would come from emergency response funds within the Bureau of Justice Assistance.” The statement said the funds “recognize the hard work and dedication of law enforcement officers across Las Vegas and the State of Nevada, who worked tirelessly in the wake of the tragic shooting last week.”

***Trump Postpones Las Vegas Fundraiser.*** Politico (10/11, Isenstadt, 3.6M) reports that the President has postponed a Las Vegas fundraiser that had been planned for Oct. 21. Organizers have not determined a new date for the event which “was intended to benefit Trump’s reelection campaign and the Republican National Committee.”

***Police Revise Timeline Of Las Vegas Shooting, Have Not Identified A Motive.*** NBC Nightly News (10/11, story 6, 1:35, Holt, 16.61M) reported that the Las Vegas gunman fired the first shots “at two employees” inside the hotel. NBC (Williams) added that six minutes before Stephen Paddock fired on the concert “a hotel security guard responding to an alarm on the 32nd floor was wounded when Paddock” through his door. A “hotel engineer had just arrived when he heard gunfire.” Stephen Schuck, Hotel Engineer: “I was about a third of the way down the hallway, and I started to hear shots go off.” Williams added that Schuck made a radio call saying someone was shooting and police “are looking at when that word was received from the hotel, and whether it could have been relayed faster to the SAT team, making its way to the 32nd floor.” Brian Ross reported on ABC World News Tonight (10/11, story 5, 2:05, Muir, 14.63M) that the revised police timeline says “it was about six minutes” after Paddock shot through the door that he “began to fire on the concert crowd.” A “person who has reviewed the records tells ABC News hotel security did not call the police until after the rampage was already under way.” However, MGM, the owner of the hotel, “says the recent timeline from police may not be accurate.”



The CBS Evening News (10/11, story 3, 2:00, Mason, 11.17M) reported that Clark County Sheriff Joseph Lombardo "said police have yet to find a motive for the attack."

**TRUMP TOUTS \$5.2 TRILLION STOCK MARKET GAIN.** President Trump said on Fox News' Hannity (10/11, 2.32M), "I'm so proud of the \$5.2 trillion of increase in the stock market. If you look at the stock market, that's one element but then we have many other elements. The country, we took it over in the last eight years they borrowed more than it did in the whole history of our country. So they borrowed more than \$10 trillion. Right? We picked up \$5.2 trillion just in the stock market. Possibly picked up the whole thing in terms of the first nine months, in terms of value. You can say in one sense, we are really increasing values and maybe in one sense, we are reducing debt."

**TRUMP TO MEET WITH ECONOMIST, FED HOPEFUL JOHN TAYLOR THIS WEEK.**

Bloomberg News (10/11, Jacobs, Torres, 4.52M) reports President Trump is set to meet this week with Stanford economist John Taylor, according to "three people familiar with the matter." Taylor "is on the shortlist of people under consideration to be the next chairman of the Federal Reserve." The sources "were unsure when the meeting was to take place."

**Economists Say Kevin Warsh Most Likely Nominee.** The Wall Street Journal (10/11, Torry, Subscription Publication, 6.45M) reports that a Journal survey of business and academic economists found that former Fed governor Kevin Warsh is viewed as the most likely to be nominated by President Trump as the next Fed Chairman. Economists placed a 28 percent probability that Warsh would be tapped – beating out current Fed Chair Janet Yellen at 22 percent and Fed governor Jerome Powell at 21 percent.

**Fed Expects December Rate High Despite Concerns About Low Inflation.** CNBC (10/11, Cox, 3.48M) reports Federal Reserve officials plan a the benchmark interest rate increase in December and anticipate an expanding economy, "despite some divisions over where inflation is headed," according to minutes from September's Federal Open Market Committee meeting. Despite low inflation readings, confidence "remained fairly high that the 2% target is likely to be hit not too far into the future."

The New York Times (10/11, Appelbaum, Subscription Publication, 13.56M) reports that although concerns about low inflation "was the dominant topic" at September's FOMC meeting, "most officials" were inclined to raise the rate later in the year, so long as medium-term economic outlook remains unchanged. Minutes also indicate the Fed expects slower economic growth for a few months, but "does not expect a long-term effect."

**DEMOCRAT GREEN PULLS BACK FROM FORCING HOUSE VOTE ON TRUMP**

**IMPEACHMENT.** The Washington Post (10/11, Debonis, 10.38M) reports that Rep. Al Green (D-TX) "stopped just short of forcing a House vote on President Trump's impeachment Wednesday, pulling back under apparent pressure from his own party." The Democrat "read his impeachment resolution on the House floor Wednesday afternoon, bringing it up under rules that would force a rapid vote. But when, less than an hour later, the House's presiding officer called the resolution up for action, Green did not appear on the floor to offer it." The Post adds, "According to multiple House Democratic aides, party leaders had prevailed upon Green not to offer the resolution and thus force his colleagues to cast a potentially troublesome vote."

The Hill (10/11, Marcos, 1.68M) reported, "The four articles of impeachment unveiled by Green say Trump has 'has undermined the integrity of his office with impunity' and 'brought disrepute on the presidency,' but do not argue that the president has committed a crime. Instead, the articles state that Trump is 'fueling an alt-right hate machine' that is 'causing immediate injury to American society;' brought 'shame and dishonor to the office of the presidency by associating the majesty and dignity of the presidency with causes rooted in white supremacy;' engaged in deceit by making the false claim that three to five million people voted illegally in the 2016 presidential election; and encouraged police brutality during a July speech to law enforcement."

**LONGTIME TRUMP FRIEND “SHOCKED” AND “STUNNED” BY PRESIDENT’S RHETORIC AND TWEETS.** The Washington Post (10/11, Kranish, 10.38M) has a 4,000-word front-page feature on Thomas Barrack Jr., “a billionaire who is one of President Trump’s oldest friends.” The Post says that “few people are closer to Trump than Barrack, his friend for three decades.” He “helped rescue Trump’s real estate empire years ago,” raised money for Trump’s campaign, and “turned down a Cabinet offer, preferring to be an outside adviser, although his name is still mentioned as a potential White House chief of staff should Trump decide to choose a new one.” But he told the Post that he “has been ‘shocked’ and ‘stunned’ by some of the president’s rhetoric and inflammatory tweets,” and “wonders why his longtime friend spends so much of his time appealing to the fringes of American politics” by promoting immigration restrictions from Muslim nations and a US-Mexico border wall.

**TRUMP: DEMOCRATS USED RUSSIA AS “AN EXCUSE” AFTER LOSING ELECTION.** President Trump said Wednesday on Fox News’ Hannity (10/11, 2.32M), “Russia was an excuse used by the Democrats when they lost the election. They lost the election and they sat in a room and they said, ‘Wow, we look bad.’ The morning after, in fact it’s been written about I guess in various books or a book, but they said, ‘Why did you lose the election?’ And they said, ‘Oh, it was Russia.’ It wasn’t Russia. It was a bad candidate. ... Now, with all of that being said, they said Russia. And then they say, ‘Oh, it was Trump that colluded with Russia.’ I’m saying, ‘I did?’ ... This was an excuse by the Democrats. ... It was an excuse for losing an election that frankly they should have won because winning the electoral college is so easy for Democrats.”

**House Intel Panel Asks Trump Campaign Data Firm For Information In Russia Probe.** In an “exclusive,” the Daily Beast (10/11, Woodruff, Ackerman, 988K) reported, “A data firm backed by some of Donald Trump’s closest allies is now facing scrutiny as part of an investigation into possible collusion between the president’s team and Russian operatives.” Citing “sources familiar with the probe,” the Daily Beast said that the House Permanent Select Committee on Intelligence (HPSCI) “is looking at Cambridge Analytica’s work for...Trump’s campaign as part of its investigation into Russian efforts to meddle in the 2016 race.” The firm “is in the process of turning over documents to HPSCI, according to a source familiar with the committee’s work. Another source close to the investigation said that the probe’s focus on Cambridge Analytica is ‘fruitful.’”

The Hill (10/11, Chalfant, 1.68M) reported, “A spokesman for the data mining firm confirmed” on Wednesday “that Cambridge Analytica ‘has been asked by the House Intelligence Committee to provide it with information that might help its investigation.’” However, said The Hill, a spokesperson for the firm “refuted the notion that the company itself is under investigation, describing the [Daily Beast] report as having ‘significant inaccuracies.’” The spokesperson is quoted as saying, “[Cambridge Analytica] is not under investigation, and there is no suggestion of any wrongdoing by the company.”

**In Court Filing, Fusion GPS Says It Didn’t Give Trump Dossier To BuzzFeed.** The Daily Caller (10/11, Ross, 521K) reported, “In a surprise twist, opposition research firm Fusion GPS says that it did not give its dossier of infamous anti-Trump research to BuzzFeed News prior to the outlet’s Jan. 10 publication of the salacious document. That revelation, made in court papers filed by Fusion GPS’ lawyers in a Washington, D.C., federal court Tuesday, re-opens the issue of who provided the dossier to BuzzFeed.” The Daily Caller added, “Fusion GPS made the disclosure in a motion to quash a request for discovery made by Aleksey Gubarev, a Russian tech executive who is suing BuzzFeed for defamation” after having been “identified in a Dec. 13 memo contained in the dossier, which was written by former British spy Christopher Steele. ... ‘Fusion did not create or author the December Memo, and did not give it to Buzzfeed,’ reads its latest court filing.”

**Trio Of Congressional Committees “Scuffling” Over Dossier.** Reuters (10/10, Hosenball, Landay) reported, “Three congressional committees are scuffling over” the dossier, “people



involved in the inquiries said.” Reuters added, “The Senate Intelligence Committee and special counsel Robert Mueller are looking into possible collusion between Russia and Trump’s campaign and Mueller’s investigators have met with Steele,” who assembled the dossier. At the same time, “the Republican chairmen of the House Intelligence and Senate Judiciary committees are challenging the dossier’s credibility and one has implied that Russians may have played a role in its preparation, sources familiar with the inquiries said.”

**Assange Disputes Rohrabacher’s Remarks On Possible Deal.** The Daily Caller (10/11, Pfeiffer, 521K) reported that WikiLeaks founder Julian Assange is disputing Rep. Dana Rohrabacher’s (R-CA) remarks “that Assange would give up the source behind a release of Democratic National Committee emails in 2016. Assange’s tweeted his dispute Tuesday and Wednesday following a story from The Daily Caller about a potential deal between him and the American government.” Assange is quoted as tweeting, “Disgraceful reporting. WikiLeaks never has and never will reveal a source. Offers have been made to me – not the other way around. I do not speak to the public through third parties.” The Daily Caller article Assange was responding to was “about Rohrabacher meeting with Sen. Rand Paul to discuss letting President Donald Trump know about a potential deal with Assange.” The Washington Times (10/11, Blake, 541K) reports on the Daily Caller article that drew Assange’s response.

**House Intelligence Panel Planning To Release Russian-Backed Facebook Ads.** The Washington Post (10/11, Demirjian, 10.38M) reports that the House Intelligence Committee “plans to release a trove of Russian-backed Facebook ads from the 2016 election season after officials from Facebook and two other tech giants testify publicly in November. The leaders of the committee’s Russia probe, Rep. K. Michael Conaway (R-Tex.) and committee ranking member Adam B. Schiff (D-Calif.), told reporters Wednesday that they would move ‘as quick as we can’ to release the advertisements to the public.” The Post adds, “Facebook identified more than 3,000 advertisements purchased in a Russian-orchestrated campaign to exploit divisions around issues such as race, as well as mislead the American public in the run-up to the 2016 elections.”

**WSJournal A1: Russia Converted Kaspersky Software Into Espionage Tool.** On its front page, the Wall Street Journal (10/11, A1, Harris, Lubold, Subscription Publication, 6.45M) reports that Russia’s government used Kaspersky antivirus software to surreptitiously scan computers around the globe for classified US government records and top-secret information, adjusting the program to turn it into a tool for spying, according to current and ex-US officials familiar with the matter. The Journal says that software is produced by Kaspersky Lab, which is based in Moscow.

**Politico Analysis: Senate Democrats Fret Russia Could Damage Their Reelection Bids.** Politico (10/11, Cheney, Schor, Bennett, 3.6M) reported that Senate Democrats facing reelection in 2018 “are increasingly worried about a troubling reality: Russia appears set to mess with US elections – again. The bipartisan leaders of the Senate Intelligence Committee warned last week that Russia’s second straight attempt to upend a major election appears certain.” Politico added that lawmakers such as Sens. Bob Casey (D-PA), Heidi Heitkamp (D-ND), and Jon Tester (D-MT), “who hail from states President Donald Trump won in 2016”, worry that “the Trump administration is dragging its feet on thwarting sophisticated Russian cyber operations that could have significant impact on their races – and could even sway which party wins control of the Senate.”

**DEMOCRATIC SENATORS TELL SESSIONS THEY WANT ANSWERS ON TRUMP CONVERSATIONS.** Politico (10/11, Gerstein, 3.6M) reports that Democratic senators are warning Attorney General Sessions “that when he appears before the Senate Judiciary Committee next week he should detail his conversations with Donald Trump or else announce that the president is invoking executive privilege to protect those communications.” According to Politico, all nine committee Democrats sent Sessions a letter on Wednesday “noting that during his June appearance at the Senate Intelligence Committee he repeatedly declined to answer such questions, saying the president had the right to decide whether to assert executive privilege over the discussions,” and saying “that kind of deferral won’t fly this time. ‘We expect that when



you appear before the Senate Judiciary Committee on October 18th, you will have determined whether the president will invoke executive privilege as to specific topics and will be prepared to answer completely all questions in those areas on which he has not," the lawmakers wrote.

**AFTER WHITE HOUSE BEMOANS CONGRESSIONAL BREAKS, HOUSE VOTES TO LEAVE EARLY FOR VACATION.** The Washington Examiner (10/11, Wegmann, 465K) reported, "On Tuesday, the White House complained that Congress was taking too many vacations," with press secretary Sarah Sanders saying "from the podium that the nation would be 'a lot better off if the Senate would stop taking vacations and start staying here until we actually get some real things accomplished.' But either lawmakers weren't listening or they just don't care what the Trump White House has to say. On Wednesday, the House voted to cancel Friday votes and skip town Thursday afternoon to get a head start on their next weeklong vacation."

**MCCONNELL SAYS HE'LL MOVE FORWARD ON JUDGES WITHOUT DEMOCRATIC "BLUE SLIPS."** Roll Call (10/11, Lesniewski, 134K) reports that Senate Majority Leader McConnell has "confirmed he plans to move forward on judicial nominees even if home-state Democratic senators don't return the so-called 'blue slips' to the Judiciary Committee." The tradition has been "for the Judiciary Committee not to consider lifetime appointments to the federal bench without the acquiescence of the delegation, regardless of party." The Washington Times (10/11, Swoyer, 541K) says Senate Minority Leader Schumer on Wednesday "put pressure" on Senate Judiciary Committee Chairman Grassley to retain the "blue slip" process.

A Wall Street Journal (10/11, Subscription Publication, 6.45M) editorial praises McConnell's move, arguing Schumer is using the process, which is a courtesy, for political purposes.

**LEADERS OF CONSERVATIVE GROUPS CALL FOR MCCONNELL, HIS DEPUTIES TO RESIGN.** The Washington Post (10/11, Sullivan, 10.38M) reports that a collection "of conservative activists who have long clashed" with congressional Republican leaders called Wednesday for Senate Majority Leader McConnell "and his top deputies to step down." In a letter to McConnell and at a joint news conference, "the activists vented frustration with the Senate's lack of major legislative accomplishments this year, including their failure to undo the Affordable Care Act. 'It is time for you and your leadership team to step aside, for new leadership that is committed to the promises made to the American people,' says the letter, which is signed by six activists." The Post lists the activists as Media Research Center President Brent Bozell; Senate Conservatives Fund President Ken Cuccinelli; Tea Party Patriots co-founder Jenny Beth Martin; FreedomWorks President Adam Brandon; For America President David Bozell; and ConservativeHQ.com chief Richard Viguerie.

Politico (10/11, Kim, 3.6M) reported that at Wednesday's news conference, Cuccinelli said, "This pattern of failure from McConnell's gang of five leadership team while loathing and attacking their own base, the most loyal bloc of voters that has elected them and all of their caucus members, can no longer be tolerated." Politico quoted the activists as writing in their letter to McConnell, "You have done nothing. You have promised tax reform. You have done nothing. You don't even show up for work." Breitbart (10/11, Moran, 2.42M) reported, "The grassroots conservative leaders chastised the members of Senate leadership," arguing they "should resign to make way for more effective lawmakers who will enact the president's populist agenda."

The New York Times (10/11, Peters, Subscription Publication, 13.56M) reports that McConnell "was an ever-present boogeyman in" last month's GOP Senate primary runoff in Alabama, where Roy Moore unseated appointed Sen. Luther Strange, "a McConnell ally." The Times says that a "faction conservative activists," among them Steve Bannon, "now hopes to replicate that kind of grassroots-fueled victory across the country" in primaries against GOP Senate incumbents.

**KUSHNER REPORTEDLY SENT APPROVING TEXT AFTER BANNON "DECLARE[D] WAR" ON GOP SENATORS.** Politico (10/11, Karni, 3.6M) reported that after Steve Bannon's Monday appearance on Fox News, where he "declare[d] war on" GOP senators "and call[ed] for" the

resignation of Sen. Bob Corker (R-TN), the former White House strategist “received a text from an unlikely fan: Jared Kushner,” who messaged “to say he thought the TV hit was a success, according to multiple people who were eating with Bannon at” the time. Politico said the message “was surprising on multiple fronts. For one, Bannon associates and White House officials said Kushner hasn’t reached out to Bannon since he was ousted from his White House post in August. But even stranger was that” those dining with Bannon, including “conservative media personalities, thought Kushner was belatedly endorsing an anti-establishment strategy that has many Republicans concerned about losing control of the Senate all together.”

***Gingrich: Bannon’s Targeting Of GOP Senators In 2018 “Stunningly Stupid.”*** The Hill (10/11, Concha, 1.68M) reported that during a Tuesday appearance on Sean Hannity’s radio program, Newt Gingrich said that Bannon’s “strategy for creating a civil war inside the Republican party is ‘stunningly stupid.’” Of Bannon’s declaration to back primary challengers to nearly every GOP senator, Gingrich said that there are “10 Democrats up next year in states Trump carried. You have six Democrats up next year in states Trump carried by a huge margin. Now you take the amount of money Bannon is going to raise. If he spent that money in North Dakota, Montana, Indiana, Missouri, West Virginia [where Democrats face reelection in 2018] – the fact is you would have such a big Republican majority, you’d pass the stuff you guys want to pass.” Gingrich added, “Creating a civil war inside the Republican Party may feel good, but I think as a strategy, it is stunningly stupid.”

***McClatchy Analysis: GOP Candidates Aggressively Seeking Bannon’s Endorsement.*** McClatchy (10/10, Glueck, 67K) reports, “The Steve Bannon primary is on – and it’s playing out at every level of government,” with leading GOP “Senate recruits...wooing him by phone, and candidates for state legislature...cornering him at political rallies. Primary rivals are openly jockeying for the support of his network, and insurgent Republican hopefuls text him, dine with him and traipse to his Washington townhouse in the hopes of securing his blessing.” McClatchy adds that in the wake of Bannon-backed Roy Moore’s (R-AL) win last month in Alabama’s Republican Senate runoff, Bannon “is suddenly at the center of GOP races across the board, heavily involved in boosting a slate of Senate challengers as candidates up and down the ballot try to land his support.” McClatchy adds that Bannon is also endorsing gubernatorial and House candidates.

***Bannon-Aligned Group Endorses Three GOP Senate Hopefuls.*** The Hill (10/11, Easley, 1.68M) reported, “A pro-Trump outside group aligned with...Bannon endorsed three Republicans running for Senate on Wednesday, firing the starting pistol on what’s shaping up to be a nasty primary season for the GOP. The Great America Alliance – an antiestablishment group which counts Bannon’s political adviser Andy Surabian as a strategist” – endorsed Rep. Marsha Blackburn (R), who is bidding to succeed retiring Sen. Bob Corker (R-TN); state Attorney General Patrick Morrisey (R-WV), who is seeking to take on Sen. Joe Manchin (D-WV); and state Auditor Matt Rosendale (R-MT), who is challenging Sen. Jon Tester (D-MT). All three Republicans face primary battles.

Robert Kagan writes in the Washington Post (10/11, 10.38M) that the GOP deserves the “destruction” it “may be about to suffer at the hands” of Bannon. Kagan argues that whether or not a “thoroughly Trumpist Republican Party won’t be able to defeat a Democratic Party apparently bent on nominating unelectable candidates on the left,” Bannon and Trump “undoubtedly believe it is more important to turn the party into Trump’s personal vehicle, to drive out the resisters, the finger-waggers, the losers, the proud scions of the responsible establishment who could not stop Trump and apparently cannot legislate their way out of a paper bag.”

**TRUMP TO SPEAK AT VALUES VOTER SUMMIT ON FRIDAY.** The Washington Times (10/11, Harper, 541K) reports, “President Trump remains faithful to the faith-minded, values-attuned voters who showed up by the millions to elect him in 2016 ... Multiple surveys from the Pew Research Center and other pollsters reveal that up to 81 percent of values voters staunchly stand



by the president." Trump, "in turn, has cleared his crowded schedule to spend some time with them," planning to address the Values Voters Summit on Friday.

**FEDERAL COURT UPHOLDS CONGRESSIONAL PRAYER.** The Washington Times (10/11, Swoyer, 541K) reports that the US District Court for the District of Columbia ruled Wednesday that Congress can continue to open its sessions with prayer and that the House can continue to select who leads the prayer. House Speaker Ryan praised the ruling, saying, "Since the first session of the Continental Congress, our nation's legislature has opened with a prayer to God. Today, that tradition was upheld and the freedom to exercise religion was vindicated."

**GROUP OF EX-OBAMA LAWYERS FILES INJUNCTION AGAINST TRUMP VOTER COMMISSION.** McClatchy (10/11, Roarty, 67K) reports, "A group of former Obama Administration lawyers on Wednesday moved for a temporary injunction against President Donald Trump's voting fraud commission, saying the committee caused an 'immediate blow to the proper functioning of our democracy' when it requested voter data from all 50 states without following legally mandated procedures. The motion, filed in US District Court in Washington, DC, by Protect Democracy Project and United to Protect Democracy, cited reports of people withdrawing their voter registration in response to the Trump commission's request for information – proof, the motion argues, that the court should stop the Trump group from collecting the data now before it does more harm. The motion also argues that the requests 'may increase the vulnerability of voter registration systems to hackers' and, contrary to federal law, gives Protect Democracy insufficient time to respond and mobilize the public to its actions."

**FBI OPENS INVESTIGATION INTO WEINSTEIN.** The Daily Mail (10/11, Parry, 5.15M) reports that the FBI "has opened an investigation into Harvey Weinstein." The probe comes at the behest of the Department of Justice...which instructed the bureau to investigate the mounting allegations leveled at the movie mogul." The DC adds that it is unknown whether the DOJ order came directly from [Attorney General] Sessions," but "the move is likely to be seen in a political light given Weinstein's friendship with Trump foe Hillary Clinton." The DC also reports that the move "came amid rumors that Weinstein plans to head to Europe for sex rehab – leading to fears of a Roman Polanski-style situation where he dodges prosecution in the U.S." In an op-ed for the Daily Caller (10/11, Ingersoll, 521K) posted before the DOJ probe was announced, editor in chief Geoffrey Ingersoll wrote that Trump and Sessions "will be derelict in their duties if they do not launch a full investigation." Trump Ingersoll wrote, "can give voice to the voiceless. He can give victims the opportunity to shake the shackles of Hollywood exploitation."

Anne Thompson reported on NBC Nightly News (10/11, story 5, 2:05, Holt, 16.61M) that more than 20 women are now accusing Weinstein "of some kind of sexual misconduct." NBC highlights the story of one woman, actress Dawn Dunning, and says the allegations are "making Weinstein a pariah in the business he loves."

Linsey Davis reported on ABC World News Tonight (10/11, story 4, 2:55, Muir, 14.63M) that authorities are facing questions "about why Weinstein was not prosecuted after" a "secretly recorded audio during a 2015 NYPD sting operation." The Manhattan DA "defended its decision not to prosecute." Manhattan DA Cyrus Vance, Jr.: "Obviously, he has some serious issues, and the tape is terrible. But I as DA have to be guided by the evidence and the elements of the crime." The New York Times (10/11, McKinley, Subscription Publication, 13.56M) reports that Vance "defended his decision" not to prosecute Weinstein, saying his office lacked sufficient evidence to prosecute. Vance said, "Our best lawyers looked at the case. ... I, like they, was very disturbed by the contents of the tape. It's obviously sickening. But at the end of the day we operate in a courtroom of law, not the court of public opinion, and our sex crime prosecutors made a determination that this was not going to be a provable case."

Jericka Duncie reported on The CBS Evening News (10/11, story 5, 2:30, Mason, 11.17M) that while "alleged assaults happened" in the Los Angeles Area, the Los Angeles County district attorney's office and the LAPD "say they have no record of any reports filed against Weinstein."



In an editorial, the Washington Post (10/11, 10.38M) says that while “the details of Mr. Weinstein’s actions are grotesque enough,” the “fact that his systematic abuse of power seems to have been an open secret” is “just as shocking.” The Post laments the “complicity” that “protects many Harvey Weinsteins in many industries,” and says the stories from Weinstein’s alleged victims “make clear the crucial role that those in positions of responsibility must play by denouncing misconduct when they see it and demanding accountability, rather than remaining quietly complicit.”

***Republicans Seek To Exploit Weinstein’s Donations To Democrats.*** Politico (10/11, Debenedetti, 3.6M) reports that while “leading Democrats hope they’ve done enough to wash their hands of politically uncomfortable ties to Harvey Weinstein,” Republicans “aren’t letting go just yet.” Each “high-profile Democrat to receive money from Weinstein” has “made plans to direct it elsewhere, aside from recent retirees like former President Barack Obama and former Secretary of State Hillary Clinton – who still denounced him.” However, the DNC stopped short of promising a full giveaway.” While the DNC “pledged ‘over \$30,000’ of Weinstein donations to political groups that work to elect women, the committee “had raised over \$300,000 from Weinstein, a fact Republicans have been quick to exploit.”

POLITICO New York (10/11, Vielkind) reports that New York Gov, Andrew Cuomo is keeping some of the campaign cash he received from Weinstein, “renewing criticism from Republicans and setting himself apart from other politicians who benefited from the film producer’s largesse.” Cuomo “raised \$110,400 from Weinstein or his company since 1999,” but his campaign “said it would donate \$50,000 to an unspecified women’s charity.” The decision drew fire from the Republican State Committee whose spokeswoman Jessica Proud said, “In the dictionary next to the word ‘hypocrisy’ is a picture of Andrew Cuomo. ... Democrats across the country have had the sense to give the money back, but not Governor Cuomo. What kind of message does it send to women and victims that despite everything we know about the abuse Harvey Weinstein inflicted on them, he still won’t let go of his \$60,000? His actions speak volumes.”

***Conway: Clinton A “Hypocrite About Women’s Empowerment.”*** Presidential counselor Kellyanne Conway was asked on Fox News’ America’s Newsroom (10/11, 1.71M) about her criticism of Hillary Clinton for taking so long to make a statement about the allegations facing Weinstein. Conway said, “I felt like a woman who ran to be commander-in-chief and President of the United States who talks about women’s empowerment took an awfully long time to give support to those women who were coming forward and has still as far as we know kept the money, kept the dirty money that dirty Harvey has given her in her campaign.” Asked if Clinton returning the money would “make it better for you,” Conway said, “No. First of all she doesn’t need to mollify me. She need to not be a hypocrite about women’s empowerment.”

***Bannon Was Once In Business With Weinstein.*** The AP (10/11, Werner) reports that former White House chief strategist Steve Bannon “profited off a relationship with the movie mogul, in an ill-fated joint venture more than a decade ago.” In 2005, Bannon “served as chairman of a small company that distributed DVDs and home videos, and went into business...with The Weinstein Co., led by Harvey Weinstein and his brother Bob,” who “became 70 percent owners of the now defunct venture, Genius Products.” The AP adds that the link opens Bannon “to charges of hypocrisy given Breitbart’s intense focus on the scandal and its political fallout.”

***Farrow Says He Took Weinstein Story To New Yorker When NBC Dragged Its Feet.*** The New York Times (10/11, Koblin, Subscription Publication, 13.56M) reports that on Wednesday “the media and entertainment industries were still discussing how and why [Ronan] Farrow’s story on allegations of sexual abuse levied against the film mogul Harvey Weinstein by numerous women had ended up being published by The New Yorker – after it began as an investigative report for NBC News.” Farrow, a former NBC News contributor told MSNBC’s Rache Maddow “he had taken his investigation to The New Yorker only after the network dragged its feet,” but NBC News president Noah Oppenheim “disputed the suggestion that the network’s news division had

lacked the courage to air Mr. Farrow's exposé."

**WPOST A1: PRIVATE DEAL GUARANTEED MOORE \$180K ANNUALLY FOR PART-TIME WORK AT CHARITY.** The Washington Post (10/11, A1, Boburg, O'Harrow Jr., 10.38M) reports on its front page that Roy Moore (R-AL), who is battling ex-US Attorney Doug Jones (D) in the Dec. 12 Alabama special Senate election, previously stated "that he did not take a 'regular salary' from the small charity he founded to promote Christian values because he did not want to be a financial burden. But privately, Moore had arranged to receive a salary of \$180,000 a year for part-time work at the Foundation for Moral Law, internal charity documents show," collecting over "\$1 million as president from 2007 to 2012, compensation that far surpassed what the group disclosed in its public tax filings most of those years. When the charity couldn't afford the full amount, Moore in 2012 was given a promissory note for back pay eventually worth \$540,000 or an equal stake of the charity's most valuable asset, a historic building in Montgomery, Ala., mortgage records show."

**OBAMA TO STUMP FOR NORTHAM IN RICHMOND ON OCT. 19.** The AP (10/11, Suderman) reports that former President Barack Obama "is set to return to the campaign trail for the first time since he left office with a rally" in support of Lt. Gov. Ralph Northam (D-VA), who is battling ex-RNC chief Ed Gillespie (R) in this fall's "closely watched race" to succeed term-limited Gov. Terry McAuliffe (D-VA). According to the Northam camp, "the lieutenant governor and Obama will appear together at an event in Richmond on Oct. 19. The focus of the rally will be 'the need for the next governor to create economic opportunity for all Virginians,' according to Northam's campaign."

The Washington Post (10/11, Nirappil, 10.38M) reports that Obama's "foray into the" contest "could inject energy into what has been a relatively sleepy race. A recent Washington Post-Schar School poll found fewer people were closely watching the contest than at the same point in 2013, despite the fact that the major parties view the contest as test of politics in the era of President Trump." Politico (10/11, Robillard, 3.6M) reported that Obama's "long-planned entrance into the contest comes as the race is drawing more national attention," with Trump having "recently" backed "Gillespie, and Vice President Mike Pence" prepared "to campaign for Gillespie on Saturday in the state's southwest, while former Vice President Joe Biden will campaign in the state's Democratic-leaning D.C. suburbs on the same day."

Under the headline "Virginia Governor Race Gets Hot As Obama, Bush Face Off," Breitbart (10/11, Moran, 2.42M) reported on Obama's slated appearance in support of Northam, and added that former President George W. Bush "will headline fundraisers for Gillespie in Richmond and Alexandria on October 16." The Wall Street Journal (10/11, Hook, Subscription Publication, 6.45M) also reports on Obama's planned rally for Northam.

***Gillespie Says He Would Bar Sanctuary Cities From Being Established In Virginia, If Elected.*** The Washington Times (10/11, Persons, 541K) reports that during a Wednesday appearance on Fox News, Gillespie said "that he will not allow sanctuary cities to be established in Virginia if he's elected governor." Referring to Northam, Gillespie said, "The point I made to my opponent, the lieutenant governor, who voted against a ban on sanctuary cities, and in [Monday's] debate, would not say that he would ban them even if they were established here in the commonwealth – I want to prevent them from ever being established."

**THE HILL: RETIREMENTS COMPLICATING DEMOCRATS' EFFORT TO RECLAIM HOUSE.** The Hill (10/11, Kamisar, 1.68M) reported, "Retirements from House Democrats are complicating the Democratic push to retake the majority next year." The Hill said that NH1 Rep. Carol Shea-Porter's (D) recent announcement that she won't seek "reelection means Democrats will soon face three vacancies in Democratic-held districts that President Trump carried last year." The others are the districts of NV3 Rep. Jack Rosen (D), who is challenging Sen. Dean Heller (R), and MN1 Rep. Tim Walz (D), who is running for governor. The Hill added, "Democrats are still confident that President Trump's low approval ratings and voter discontent with a Republican



Congress will lead to more Republican retirements and help them expand the map.” However, “with Democrats hoping for the net gain of 24 seats that would hand them the majority, retirements on their own side are complicating the midterm picture.”

#### **CRUZ EDGES DEMOCRAT O’ROURKE IN Q3 FUNDRAISING, HOLDS LARGE CASH**

**ADVANTAGE.** The Dallas Morning News (10/11, Kelly, 984K) reports that Rep. Beto O’Rourke (D-TX), who is mounting a 2018 bid to unseat Sen. Ted Cruz (R-TX), “raised \$1.7 million in the” third quarter of this year. However, Cruz “kept a step ahead, raising \$2 million” during the same period. The figure “marks a slight drop from O’Rourke’s tally for the previous quarter, when he out-raised Cruz, \$2.1 million to \$1.6 million.” Cruz “still has more than \$6.3 million in the bank, up from \$5.7 million, his campaign said. O’Rourke aides say he has about \$2.8 million.” The Texas Tribune (10/11, Svitek, 13K) also reports on the candidates’ fundraising numbers.

**Ingraham Says “Good-Old-Boy Type” Asked Her To Primary Cruz.** The Washington Examiner (10/11, Lim, 465K) reports that in her new book, Fox News commentator Laura Ingraham writes that “she was asked at the 2016 Republican National Convention to challenge [Cruz] in his next primary.” Ingraham is quoted as writing in her book, “People were so torched by Cruz’s failure to endorse [President] Trump that talk of primarying him ignited almost the moment he walked off the stage. In fact, a tanned, good-old-boy type in his late 40s approached me and asked me if I’d consider moving to Texas to run against him.”

**FLAKE PRIMARY FOE WARD RAISES \$690K IN Q3.** In an “exclusive,” The Hill (10/11, Easley, 1.68M) reported that ex-state Sen. Kelli Ward (R-AZ), who is mounting a 2018 primary challenge to Sen. Jeff Flake (R-AZ), “raised \$690,000 in the third quarter of 2017, nearly doubling the amount she had raised in the first six months of the year.” Ward “has raised \$1.047 million so far in 2017. Her cash reserves bounced from \$83,000 at the end of the second quarter to over \$250,000 presently.”

#### **GOP MONTANA SENATE HOPEFUL ROSENDALE RAISES OVER \$400K IN TWO MONTHS.**

The Hill (10/11, Kamisar, 1.68M) reported that state auditor Matt Rosendale (R-MT), who is seeking to take on Sen. Jon Tester (D-MT) in 2018, “raised about \$410,000 in the third fundraising quarter” of this year. Because Rosendale “announced his bid at the end of July, he only had two of [the] three months” in Q3 to raise cash. The Hill added, “Most Montana Republicans consider Rosendale the slight favorite in the GOP primary thanks to his experience running statewide and his conservative reputation as a member of the state legislature. He also is expected to win the” endorsement of Stave Bannon. Three other candidates are running in the GOP primary.

#### **DEMOCRAT BROWN RAISED \$2.6M IN Q3, HAS \$8.3M BANKED FOR REELECTION RACE.**

The Toledo (OH) Blade (10/10, Troy, 187K) reported that Sen. Sherrod Brown’s (D-OH) campaign on Tuesday said “it raised more than \$2.6 million during the third quarter,” ending the period with “\$8.3 million cash on hand.” Brown’s 2018 challengers, businessman Mike Gibbons (R) and state Treasurer Josh Mandel (R-OH), have yet to release their latest fundraising numbers.

#### **MANCHIN EASILY BESTS GOP CHALLENGERS JENKINS, MORRISEY IN Q3 MONEY**

**RACE.** The AP (10/11) says that Sen. Joe Manchin (D-WV) “reports raising about \$900,000 in the past three months for his 2018 re-election campaign with about \$4.1 million on hand.” State Attorney General Patrick Morrisey (R-WV), who is battling Rep. Evan Jenkins (R-WV) in the GOP Senate primary, “reports raising about \$670,000 in his first reporting quarter since officially announcing his run, with \$548,000 on hand at the end of September.” Jenkins, meanwhile, “reported about \$220,000 raised in the period with almost \$1.26 million on hand.”

#### **BLACKBURN HAILS TWITTER REVERSAL ON AD AS “OUR FIRST SENATE**

**CONSERVATIVE VICTORY.”** Politico (10/11, Nelson, 3.6M) reported that during a Wednesday appearance on Fox News, Rep. Diane Black (R-TN) – who is mounting a 2018 bid to succeed



retiring Sen. Bob Corker (R-TN) – said that “Twitter’s decision to reverse course and allow [her] to promote a video featuring anti-abortion language is ‘our first Senate conservative victory.’” Blackburn had kicked off her Senate run “with a video posted to Twitter in which she boasted that she had ‘fought Planned Parenthood and we stopped the sale of baby body parts, thank God.’” Twitter initially deemed the ‘baby body parts’ language too ‘inflammatory’ for Blackburn to promote but later reversed that decision.” Said Blackburn, “The American people have just risen up, and I said this is our first Senate conservative victory.”

Blackburn said on Fox News’ Fox & Friends (10/11, 1.15M), “Social media and Twitter are important platforms. But the liberal left cannot continue to think they have the right to censor free speech and especially with campaign messages with which they disagree.”

#### **PROSECUTION RESTS IN MENENDEZ TRIAL; DEFENSE ASKS JUDGE TO DISMISS CASE.**

On Wednesday, the prosecution in the federal corruption trial of Sen. Bob Menendez (D-NJ) and his longtime friend and donor, eye doctor Salomon Melgen, rested its case. The Washington Post (10/11, Barrett, Maimon, 10.38M) reports, “After a stream of witnesses that included jet pilots, former congressional staffers, federal officials, and one ex-senator, the government’s case ended with testimony from FBI agent Alan Mohl,” who “has been reading emails between Menendez and the senator’s staff that prosecutors say shows the lawmaker was determined to use his position to help” Melgen.

The Philadelphia Inquirer (10/11, Seidman, Tamari, 1.71M) reports that after the prosecution rested its case, lawyers for Menendez and Melgen “asked the judge to dismiss the case immediately on grounds the government had not proven a quid pro quo. The judge excused the jury and said he would hear oral arguments on the motion Wednesday afternoon. Prosecutors accuse Menendez of advocating for Melgen’s personal and financial interests over the course of several years in exchange for free trips on Melgen’s jet, vacations at his Dominican villa, and some \$750,000 in political donations.”

Bloomberg News (10/11, Voreacos, Weinberg, 4.52M) reports that “defense attorneys pressed to have the case dismissed based on a 2016 U.S. Supreme Court ruling that narrowed the definition of public corruption.” Menendez attorney Abbe Lowell “said the senator didn’t engage in ‘official acts’ on Melgen’s behalf, especially given the narrower definition laid out by the Supreme Court.” And Melgen attorney Kirk Ogrosky “said prosecutors failed to show that the two men entered into a corrupt agreement. ‘There’s not a scintilla of evidence of an agreement,’ he told US District Judge William Walls.” The judge, though, “repeatedly signaled that he is unlikely to dismiss the case before it goes to the jury.”

However, Politico (10/11, Friedman, 3.6M) reported, “Hours after the prosecution rested,” the judge “cast doubt Wednesday on a theory that’s central to its case. At the same time, Walls said he will allow the jury to decide whether Menendez filed false reports with the US Senate, a charge seen by many as the toughest to beat. At issue is the ‘stream of benefits’ theory of bribery, which defense attorneys argue was invalidated by the US Supreme Court’s 2016 decision overturning the corruption conviction of former Virginia Gov. Bob McDonnell,” which “narrowed the type of conduct that can be used to prosecute for corruption. ‘I’m particularly concerned about stream of benefits. And we’ll see,’ Walls told prosecutor Peter Koski.”

The New York Times (10/11, Corasaniti, Subscription Publication, 13.56M) reports that Walls “said that he interpreted Chief Justice Roberts’s ruling as invalidating the ‘stream of benefits’ theory of bribery, which says that a bribe can occur if one party offers a thing of value to keep the other party on retainer, essentially, rather than a more straightforward trade. ‘The point is this: Does ‘stream of benefits’ still live?’ Judge Walls said to Peter Koski, the lead prosecutor in the case. ‘If ‘stream of benefits’ still lives, then you still have a chance. You still have a chance even if ‘stream of benefits’ doesn’t live, particularly with regards to false reports.’” The Wall Street Journal (10/11, Macmillan, Subscription Publication, 6.45M) also reports on Wednesday’s development at the Menendez-Melgen trial.

**JUDGE ORDERS RELEASE OF GIANFORTE'S MUGSHOT.** The AP (10/11) reports that Gallatin County District Judge Holly Brown on Wednesday "ordered the release of a mugshot taken of" Rep. Greg Gianforte (R-MT), who "was convicted of assaulting a reporter on the eve of the special election that put him in office." The AP adds that County Attorney Marty Lambert "would not release the image without a court order, arguing it is confidential criminal justice information. ... Neither Gianforte nor Lambert opposed the release of the photo. Gianforte pleaded guilty to assaulting Guardian reporter Ben Jacobs on May 24 as Jacobs sought to question him about health care legislation." USA Today (10/11, Cummings, 8.62M) reports, "Despite the incident, the millionaire businessman easily won the election. Gianforte was ordered to pay a \$385 fine, complete 40 hours of community service and 20 hours of anger management."

**GOP HOPEFUL ROSSI RAISES \$575K IN NINE DAYS.** The Hill (10/11, Kamisar, 1.68M) reported that state Sen. Dino Rossi (R), who is mounting a 2018 bid to succeed retiring Rep. Dave Reichert (R-WA), "raised more than a half-million dollars in the first nine days of his House campaign, he said Wednesday, an eye-popping sum." Rossi "announced his campaign's haul of \$575,000 in a Facebook post." The Hill added that Rossi "ran a tight race for governor in 2004 and was the GOP's nominee for Senate in 2010, but lost both races. When Reichert announced his retirement in September, Rossi was instantly floated as a top choice of Republicans looking to hold on to the Democratic-leaning seat. He announced his bid a few weeks later."

**KERRY ENDORSES, STUMPS WITH NEW JERSEY GUBERNATORIAL CANDIDATE MURPHY.** NJ News (10/11, Brodesser-Akner, 1.21M) reports that ex-Goldman Sachs executive Phil Murphy (D), who is battling Lt. Gov. Kim Guadagno (R-NJ) in this fall's race to succeed term-limited Gov. Chris Christie (R-NJ), on Wednesday was endorsed by ex-US Secretary of State John Kerry (D). During a joint appearance "at a VFW post in Clifton," Kerry – "a decorated Vietnam combat veteran" – lauded Murphy "as someone who would bring 'a business mindset' to the state's handling of veterans affairs."

**MARYLAND'S ROCKEYMOORE CUMMINGS JOINING CROWDED DEMOCRATIC PRIMARY.** The Washington Post (10/11, Wiggins, 10.38M) reports that "policy consultant" Maya Rockey Moore Cummings (D-MD), wife of veteran Rep. Elijah Cummings (D-MD), will mount a 2018 bid to oust Gov. Larry Hogan (R-MD), "becoming the second woman and the third African American to join the crowded Democratic primary field." Rockey Moore Cummings "has more than two decades of experience working in the public and private sectors, including as chief of staff to" now-former Rep. Charlie Rangel (D-NY), "senior resident scholar for health and income security at the National Urban League and vice president of research and programs at the Congressional Black Caucus Foundation. She started Global Policy Solutions, a social change strategy firm, in 2005." The Baltimore Sun (10/11, Dresser, 706K) reports that Rockey Moore Cummings "plans to announce her candidacy Thursday via a web video."

**SEIU Backing Ex-NAACP Chief Jealous In Democratic Race.** The Baltimore Sun (10/11, Cox, 706K) reports that Service Employees International United, "a labor union with 45,000 members in Maryland, will support" ex-NAACP chief Ben Jealous (D) in the Democratic gubernatorial primary. The Sun says, "SEIU leaders plan to formally endorse Jealous during an event on Thursday, according to his campaign." The Washington Post (10/11, Wiggins, 10.38M) reports, "The much sought-after nod from the" SEIU "will be the latest endorsement for" Jealous, who previously has won the backing of "Sen. Bernie Sanders (I-Vt.), Our Revolution, and Maryland Working Families."

**POLITICO MAG EXAMINES DIFFERENCES BETWEEN MACOMB COUNTY NATIVES EMINEM, KID ROCK.** In a piece for Politico Magazine (10/11, 3.55M), Zack Stanton, digital editor of Politico Magazine and a native of Macomb County, MI, said that rapper Eminem, a fierce critic of President Trump, and Kid Rock, a strong supporter of the President, are both "product[s] of Michigan's Macomb County," which "went for Trump overwhelmingly" in 2016, "delivering more votes for him than for any other presidential candidate in the history of the county." Stanton said



that Eminem “grew up in southern Macomb in the working-class Democratic suburbs of Warren and East Detroit.” Kid Rock, meanwhile was “the third of four children in a well-to-do family in the placid northern Macomb small town of Romeo, a Republican redoubt.” Stanton added, “There are, in a sense, two Macombs.”

Meanwhile, under the headline “After Eminem’s Trump-Trashing Freestyle, Hip-Hop Becomes Leading Source Of Protest Music,” the Milwaukee Journal Sentinel (10/11, Levy, 628K) reports, “Ten months after Donald Trump’s inauguration, the most celebrated music scolding the president has been from rappers. A scathing freestyle from Eminem, dubbed ‘The Storm’ and dropped during the BET Hip Hop Awards Tuesday, is the talk of the news cycle right now, topping YouTube’s trending chart Wednesday, and with 20 million views as of Wednesday afternoon between YouTube and Facebook.”

**JUDGE ALLOWS DAKOTA ACCESS PIPELINE TO CONTINUE OPERATIONS.** The AP (10/11, Nicholson) reports that US District Judge James Boasberg in Bismarck, ND ruled on Wednesday that the Dakota Access oil pipeline “can continue operating while a study is completed to assess its environmental impact on an American Indian tribe.” Judge Boasberg’s decision “will come as a blow to the Standing Rock Sioux, who have argued that an oil spill from the pipeline under Lake Oahe – from which the tribe draws its water – could have a detrimental effect on the tribal community.” Judge Boasberg “found that it is likely the Army Corps of Engineers will be able to justify previous decisions made while permitting the pipeline. ‘The Corps must simply connect the dots,’ he said. ‘This, then, is not a case in which the agency must redo its analysis from the ground up.’” The judge “also acknowledged that shutting down the pipeline would disrupt the energy industry, but said it wasn’t a major factor in his decision.”

**CALIFORNIA WILDFIRES CONTINUE TO RAGE AS DEATH TOLL RISES TO 21.** NBC Nightly News (10/11, lead story, 2:30, Holt, 16.61M) reported that three days have passed with “still no control” of the 22 wildfires burning across California, which have resulted in at least 21 dead and 3,500 businesses and homes destroyed, especially in the wine country north of San Francisco. Winds were “picking up once again” Wednesday night, as new evacuations were underway and 8,000 firefighters battled the fires. Authorities “are dealing with hundreds of missing persons reports, complicated by destroyed cell towers,” and officials “are seeing the worst air quality ever recorded in parts of the Bay Area.”

ABC World News Tonight (10/11, lead story, 3:40, Muir, 14.63M) reported that whole neighborhoods have “turned to ashes” as firefighters race to contain the damage. Cal Fire Director Ken Pimlott described the fires as “literally burning faster than firefighters can run.” As of Wednesday night, fires have burned through 170,000 acres, and new evacuation orders in Sonoma and Napa Counties were declared. At least 73 cell towers have been destroyed, and winds around Santa Rosa were forecast to gust up to 40 miles per hour.

The CBS Evening News (10/11, lead story, 2:40, Mason, 11.17M) reported Pimlott called the fires “a serious, critical, catastrophic event.” Cal Fire Battalion Chief Jonathan Cox praised firefighters’ efforts and their “real sense of purpose and mission,” but expressed concern that the fires could be “pushed in other directions.” Nearly 400 people have been reported missing.

The Los Angeles Times (10/11, Willon, 4.49M) reports that officials “fear that strong winds forecast for Wednesday evening and Thursday morning will spread embers from the deadly Tubbs fire to populated areas of Santa Rosa and Calistoga that have so far been spared the flames.”

The New York Times (10/11, A1, Fuller, Pérez-Peña, Bromwich, Subscription Publication, 13.56M) reports that survivors have “told of narrow escapes from walls of flame that seemed to erupt from nowhere on Sunday night and Monday morning, forcing them to run even before text messages and other alerts were sent out by emergency warning systems.”



The Wall Street Journal (10/11, Lazo, Ailworth, Lovett, Subscription Publication, 6.45M) reports that California Gov. Jerry Brown said Wednesday that the cost of the fires will reach “tens of billions” of dollars, and that the wildfires were “one of the biggest” in the state’s history. More than 60,000 people have fled their homes.

**CHARLOTTESVILLE SCHOOLS ON “MODIFIED LOCKDOWN” FOLLOWING THREATENING MESSAGE BOARD POST.** The Washington Post (10/11, Larimer, 10.38M) reports that schools in Charlottesville, Virginia were placed on a “modified lockdown” on Wednesday following a threatening message board post. According to a police statement on the city’s website, the post on the unidentified message board had expressed “discontent with recent events in Charlottesville” and admiration for Las Vegas shooter Stephen Paddock. The police statement indicated the identity of the individual behind the post was unknown and that officers had been stationed at city schools and some private schools.

**SUPREME COURT WEIGHS IMMUNITY FOR CORPORATIONS IN OVERSEAS HUMAN RIGHTS SUITS.** The Washington Post (10/11, Barnes, 10.38M) reports that a majority of Supreme Court justices “seemed skeptical Wednesday that an 18th-century law allows foreign citizens to sue foreign corporations in U.S. courts over allegations of human rights atrocities committed abroad.” The Post adds that the court “has wrestled before with the kind of lawsuits authorized by the Alien Tort Statute, which was enacted by the first Congress in 1789,” and “the justices have limited the kind of actions that can be brought but in 2013 declined to decide whether corporations were immune from suits under the statute.” According to the Post, “the new case involves 6,000 foreign citizens who allege that the Arab Bank provided financial services to terrorists who engaged in attacks against Israelis in 2000.” The plaintiffs “said the suit was authorized by the Alien Tort Statute (ATS), which was largely ignored for 200 years before human rights organizations began filing suits seeking relief for abuses overseas.”

The New York Times (10/11, Liptak, Subscription Publication, 13.56M) reports that the court, “which has already placed strict limits on lawsuits brought in federal court based on human rights abuses abroad, seemed open on Wednesday to barring such suits entirely when the defendants are corporations.” Jeffrey L. Fisher, an attorney for the plaintiffs, “said his clients had made grave accusations against the bank. ‘What we allege is knowing and purposeful financing of terrorism with the expectation that it will make those terrorism attacks more successful and more lucrative for the perpetrators, and that is a violation of the law of nations,’ he said.” Paul D. Clement, representing the bank, “said American courts have no business sorting out the truth of accusations involving foreign parties and conduct. ‘This case arises out of a suit by Israeli nationals against a corporation chartered in Jordan for injuries suffered in Israel and the adjoining territories,’ he said.”

**BOY SCOUTS TO ALLOW GIRLS TO JOIN.** NBC Nightly News (10/11, story 9, 1:45, Holt, 16.61M) reported the Boy Scouts of America announced Wednesday it had reached a unanimous decision that, starting in 2018, girls can join the Cub Scouts, and that starting in 2019, older girls can become Eagle Scouts. BSA Chief Scout Executive Michael Surbaugh said of girls joining, “They’ll have the opportunities for an advancement track that is identical to boy scouting but maintains the opportunities for them to have leadership with their own girl gender.” The decision intensified a “growing feud with the Girl Scouts of America,” which is now exploring what types of legal actions can be pursued against BSA – including the retraction of the Boy Scouts’ congressional charter.

In an editorial, the Wall Street Journal (10/11, Subscription Publication, 6.45M) writes that the Boy Scouts of America’s decision to allow girls to join the organization in the future represented a compromise that prevents total gender integration in the group while addressing growing pressure to allow girls to join and the BSA’s flagging membership. The Journal says the question remains as to whether the decision will satisfy the progressive movement’s concerns about gender differences, but concludes by expressing hope that BSA will succeed in its new policy.

**EXPERTS SEE 2017 AS BEGINNING OF END OF INTERNAL COMBUSTION ENGINE.** The Washington Post (10/11, Holley, 10.38M) reports that 2017 likely will be viewed one day as the beginning of the end of vehicles with internal combustion engines, according to experts, who say the “tipping point” for electric cars entering the mainstream has followed three major developments. First, China announced plans to eliminate internal combustion engines entirely by 2030. Second, the Tesla Model 3 debuted, with a starting price of about \$35,000. Third, major automakers – including GM, Volvo, Volkswagen, Mercedes, Audi, BMW, and Ford – all have announced electric vehicles plans in recent months.

**ALEC BALDWIN HAS “ANOTHER EPIC MELTDOWN” ON NEW YORK CITY STREETS.** Page Six (10/11, Siegler, 455K) reports, “Explosive actor Alec Baldwin had another epic meltdown on the streets of New York this week.” Baldwin “was seen in a verbal exchange with a presumably reckless motorist” near Greenwich Village “that included insults and soft-drink throwing.”

**ROVE: TRUMP HURTING HIMSELF BY ATTACKING CORKER.** In a Wall Street Journal (10/11, Subscription Publication, 6.45M) column, Karl Rove writes that President Trump’s attacks on Sen. Bob Corker make Trump appear weak and ineffective, may allow Democrats to seize the House and Senate in 2018, and seek to undermine a senator whose help Trump needs in order to pass tax reform legislation.

**WPOST: PRUITT DESTROYS CLEAN POWER PLAN.** In an editorial, the Washington Post (10/11, 10.38M) criticizes EPA Administrator Pruitt’s decision to repeal the Clean Power Plan and argues that the rule’s elimination not only bypasses the fact that many, including the Supreme Court, had viewed the policy as legal, but also likely will lead to much fewer limits on carbon emissions. The Post describes Pruitt’s approach as “anti-scientific,” “ideological,” and “a betrayal of his office.”

**WPOST CRITICIZES TRUMP CABINET FOR USING PRIVATE PLANES.** In an editorial, the Washington Post (10/11, 10.38M) criticizes Trump Cabinet members for what the Post describes as private travel at “exorbitant expense to taxpayers.” The Post particularly criticizes Interior Secretary Zinke for “spending \$12,375 on a charter flight from Las Vegas, where he spoke at the behest of a political patron, to his home state of Montana in June.” The Post adds that Energy Secretary Perry, Veterans Affairs Secretary Shulkin, and Treasury Secretary Mnuchin “are among at least seven Cabinet-level officials who have shunned the plebeian confines of readily available commercial planes in favor of private jets and military flights at public expense, sometimes to smart destinations in Europe and sometimes accompanied by their spouses – all at a total cost of millions of dollars.”

**NYTIMES: NEW YORK MAYORAL DEBATE OFFERED LITTLE.** In an editorial, the New York Times (10/11, Subscription Publication, 13.56M) writes that Tuesday night’s debate among the three candidates for New York mayor offered few policy specifics, was by “loud and obnoxious” spectators and “endless audience shouting,” and resulted in no indisputable winner. The Times concludes that the biggest loser from the debate was the voters of New York.

**WSJOURNAL: GOP’S AIR-TRAFFIC CONTROL PLAN WOULD HELP BOTH ECONOMY AND TRAVELING PUBLIC.** In an editorial, the Wall Street Journal (10/11, Subscription Publication, 6.45M) writes that House Republicans’ current plan to convert Federal Aviation Administration air-traffic control into an operation run by airlines, pilots, controllers, and other industry experts would help improve both the economy and travelers’ experience. The Journal argues that Republicans should seize the opportunity to pass the legislation while they have a President who wants reform as part of his infrastructure improvement plan.

### **Editorial Wrap-Up:**

**NEW YORK TIMES. “Mr. Trump Alone Can Order A Nuclear Strike. Congress Can Change That.”** The New York Times (10/11, Subscription Publication, 13.56M) editorializes, “The broad



debate over President Trump's fitness for the difficult and demanding office he holds has recently been reframed in a more pointed and urgent way: Does he understand, and can he responsibly manage, the most destructive nuclear arsenal on earth?" The Times writes that "Congress has been sufficiently alarmed to consider legislation that would bar the president from launching a first nuclear strike without a declaration of war by Congress," which is "a sound idea [that] could be made stronger with a requirement that the secretaries of defense and state also approve any such decision."

***"Biggest Loser At New York Mayoral Debate? The Voters."*** In an editorial, the New York Times (10/11, Subscription Publication, 13.56M) writes that Tuesday night's debate among the three candidates for New York mayor offered few policy specifics, was by "loud and obnoxious" spectators and "endless audience shouting," and resulted in no indisputable winner. The Times concludes that the biggest loser from the debate was the voters of New York.

***WASHINGTON POST. "The Culture Of Complicity Protecting Harvey Weinsteins Everywhere."*** In an editorial, the Washington Post (10/11, 10.38M) says that while "the details of Mr. Weinstein's actions are grotesque enough," the "fact that his systematic abuse of power seems to have been an open secret" is "just as shocking." The Post laments the "complicity" that "protects many Harvey Weinsteins in many industries," and says the stories from Weinstein's alleged victims "make clear the crucial role that those in positions of responsibility must play by denouncing misconduct when they see it and demanding accountability, rather than remaining quietly complicit."

***"The EPA Rips Up The Clean Power Plan."*** In an editorial, Washington Post (10/11, 10.38M) criticizes EPA Administrator Pruitt's decision to repeal the Clean Power Plan and argues that the rule's elimination not only bypasses the fact that many, including the Supreme Court, had viewed the policy as legal, but also likely will lead to much fewer limits on carbon emissions. The Post describes Pruitt's approach as "anti-scientific," "ideological," and "a betrayal of his office."

***"Trump's Cabinet Can't Seem To Stop Taking Private Planes."*** In an editorial, the Washington Post (10/11, 10.38M) criticizes Trump Cabinet members for what the Post describes as private travel at "exorbitant expense to taxpayers." The Post particularly criticizes Interior Secretary Zinke for "spending \$12,375 on a charter flight from Las Vegas, where he spoke at the behest of a political patron, to his home state of Montana in June." The Post adds that Energy Secretary Perry, Veterans Affairs Secretary Shulkin, and Treasury Secretary Mnuchin "are among at least seven Cabinet-level officials who have shunned the plebeian confines of readily available commercial planes in favor of private jets and military flights at public expense, sometimes to smart destinations in Europe and sometimes accompanied by their spouses – all at a total cost of millions of dollars."

***WALL STREET JOURNAL. "An Air Traffic Winner."*** In an editorial, the Wall Street Journal (10/11, Subscription Publication, 6.45M) writes that House Republicans' current plan to convert Federal Aviation Administration air-traffic control into an operation run by airlines, pilots, controllers, and other industry experts would help improve both the economy and travelers' experience. The Journal argues that Republicans should seize the opportunity to pass the legislation while they have a President who wants reform as part of his infrastructure improvement plan.

***"Senate Blue Slip Bluster."*** A Wall Street Journal (10/11, Subscription Publication, 6.45M) editorial praises Senate Majority Leader McConnell's decision to move forward on judicial nominees even if home-state Democratic senators don't return the so-called 'blue slips' to the Judiciary Committee, arguing that Minority Leader Schumer is using the "blue slip" process, which is a courtesy, for political purposes.

***"The Boy-Girl Scouts Of America."*** In an editorial, the Wall Street Journal (10/11, Subscription Publication, 6.45M) writes that the Boy Scouts of America's decision to allow girls to join the



organization in the future represented a compromise that prevents total gender integration in the group while addressing growing pressure to allow girls to join and the BSA's flagging membership. The Journal says the question remains as to if the decision will satisfy the progressive movement's concerns about gender differences, but concludes by expressing hope that BSA will succeed in its new policy.

## **The Big Picture:**

### **HEADLINES FROM TODAY'S FRONT PAGES.**

#### ***Wall Street Journal:***

President To Ease Health Insurance Rules

Beijing Pushes For A Direct Hand In China's Big Tech Firms

Russia Has Turned Kaspersky Software Into Tool For Spying

Junk Bond Boom Reaches Far Corners Of The World

#### ***New York Times:***

Trump's Tough Talk On NAFTA Suggests Pact's Demise Is Imminent

Foiled In Congress, Trump Moves On His Own To Undermine Obamacare

Rohingya Recount Atrocities: "They Threw My Baby Into A Fire"

Weinstein Company Was Aware Of Payoffs In 2015

Boy Scouts Will Accept Girls, In Bid To "Shape The Next Generation Of Leaders"

The Girl In The No. 8 Jersey

Raining Ash And No Rest: Firefighters Struggle To Contain California Wildfires

#### ***Washington Post:***

Boy Scouts, In Historic Move, Will Accept Girls

Puerto Rico's Misery Drags On

Trump Amps Up Threats On Press

President Trump's Loyal Whisperer

Fears Grow Of Wildfires Merging In California

Charity Privately Paid Roy Moore

#### ***Financial Times:***

Kobe Steel Shares Plunge As Scandal Widens

Spanish Prime Minister Demands Clarity On Catalan Independence

Peltz's P&G Loss Unlikely To Stop Activist Investing Tide

Trump Administration Hits Out At IMF Over Tax Reforms

#### ***Washington Times:***

Military Heats Up Battle In Libya As Islamic State Militants Seek Refuge

D.C. Officials Defend Gun Laws, Look To Further Tighten Concealed-Carry Rules

Trump Sells Tax Plan In Pennsylvania: "Rocket Fuel For Our Economy"

As Boy Scouts Welcome Girls, Rival Group Sees Expansion Of "War On Boys"

California Wildfires Expected To Worsen In Coming Days: State's "Biggest, Most Serious" Event

"Disgusted" Obamas Were Star-Struck By Hollywood Mogul Weinstein's Access, Cash

#### ***Story Lineup From Last Night's Network News:***

**ABC:** West Coast Wildfires; West Coast Wildfires-Firefighting; West Coast Wildfires-Tracking; Weinstein Sexual Harassment Scandal; Las Vegas Shooting Investigation; Trump-US Nuclear Arsenal; Trump-Homeland Security Secretary Pick; Trump-Tax Reform; Louisiana State University-Hazing; Seattle-Gun Fire Exchange; Utah-Nurse Arrest Outcome; Boy Scout-Girl Members; West Coast Wildfires-Aftermath.

**CBS:** West Coast Wildfires; West Coast Wildfires-Affected Families; Las Vegas Shooting Investigation; Trump-US Nuclear Arsenal; Weinstein Sexual Harassment Scandal; Louisiana State University-Hazing; Syria-Raqqa Assault; Boy Scout-Girl Members; Hurricane Season Record; Chicago-Soda Tax Rollback; Utah Foster Family; Retired K-9 Dog.

**NBC:** West Coast Wildfires; West Coast Wildfires-Affected Families; Trump-US Nuclear Arsenal; Louisiana State University-Hazing; Weinstein Sexual Harassment Scandal; Las Vegas Shooting Investigation; Niger-US Casualty Investigation; Trump-Iran Nuclear Deal; Boy Scout-Girl Members; Utah-Nurse Arrest Outcome; Chicago-Soda Tax Rollback; Lost Dog Found; Puerto Rico Hurricane Recovery.

***Network TV At A Glance:***

West Coast Wildfires – 15 minutes, 35 seconds  
Weinstein Sexual Harassment Scandal – 7 minutes, 30 seconds  
Las Vegas Shooting Investigation – 5 minutes, 40 seconds  
Trump-US Nuclear Arsenal – 5 minutes, 20 seconds  
Boy Scout-Girl Members – 3 minutes, 40 seconds

***Story Lineup From This Morning's Radio News Broadcasts:***

**ABC:** Las Vegas Shooting Investigation; West Coast Wildfires; NAFTA Renegotiation; Boy Scout-Girl Members; Wall Street News.

**CBS:** West Coast Wildfires; Trump-NFL Kneeling; Niger-US Casualty Investigation; Louisiana State University-Hazing; Falcon 9 Launch.

**FOX:** West Coast Wildfires; Emergency Aid Budget; Trump-Tax Reform.

**NPR:** West Coast Wildfires; Puerto Rico Hurricane Recovery; Trump-US Nuclear Arsenal; Trump-Tax Reform.

**Last Laughs:**

**LATE NIGHT POLITICAL HUMOR.**

**Jimmy Kimmel:** "The big story out of the BET show was Eminem launching a five-minute freestyle attack on Donald Trump. It was very well done. He found a way to rhyme the word 'orange,' which previously had been thought impossible."

**Jimmy Kimmel:** "According to the story in Vanity Fair, John Kelly is miserable in his job, only staying in it out of a sense of duty to keep Trump from making a disastrous decision. But publicly, they say he's very happy. Sure he is, you can see how happy he is right there. He always looks like he's in one of those 'Wanna Get Away' Southwest Airlines commercials."

**Stephen Colbert:** "Over the summer, Trump met with top military officials and said he wanted a nearly ten-fold increase in the US nuclear arsenal. A ten-fold increase? Excuse me while I one-fold into the fetal position. He knows we can already end all life on Earth, right? The cockroaches will survive, which is good news for Steve Bannon."

**Stephen Colbert:** "Speaking of staffing issues, last night, around 9:00, Trump tweeted, 'The fake news is at it again, this time trying to hurt one of the finest people I know, General John Kelly, by saying he will soon be..... fired. This story is totally made up by the dishonest media. The chief is doing a fantastic job for me and, more importantly, for the USA!' Yes, very important you clear up that John Kelly works for the USA, because so much of Trump's staff works for Russia."

**James Corden:** "An article today revealed that during a national security meeting last summer, Donald Trump said that he wanted to increase the number of America's nuclear weapons by ten fold. Trump would have gone higher than ten fold, but he ran out of fingers to count them on."

**James Corden:** "Eminem's lyrics were politically charged. He defended the NFL players who have been kneeling during the national anthem, and later Donald Trump responded with his own rap that went, 'Will the NFL players please stand up, please stand up, please stand up.'"

**Jimmy Fallon:** "Trump said it's disgusting that the press is able to write whatever it wants to write. When asked about the First Amendment, he said, 'Is that the one that says not to talk about

fight club?”

**Jimmy Fallon:** “Last night at the BET awards, Eminem did a four-minute freestyle rap criticizing Trump. ... Trump was mad, but he was also a little confused. Today, he told people to boycott the M&M store.”

**Seth Meyers:** “President Trump this morning tweeted, quote, ‘With all the fake news coming out of NBC and the networks, at what point is it appropriate to challenge their license?’ You’re coming after NBC? They didn’t take our license after that monkey hospital show, they’re not going to take it for you.”

**Seth Meyers:** “President Trump said today, quote, ‘It’s frankly disgusting the way the press is able to write whatever they want to write, and people should look into it.’ Hey man, are you having trouble reading the First Amendment?”

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<b>From:</b>	Holt, Lydia (ACF) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=679190009C0F4AD2B219F787DCCA6A98-HOLT, LYDIA>
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<b>CC:</b>	"White, Laura (ACF) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2e7ff3f1d0ba483990c0f80827410056-Gregg, Laur>"
<b>Subject:</b>	RE: UPDATE: Media Inquiries--San Francisco ACLU vs. HHS Litigation
<b>Date:</b>	2017/10/12 09:55:14
<b>Priority:</b>	Normal
<b>Type:</b>	Note

Good Morning,

This is the official statement being provided for all current UAC inquiries regarding the ACLU case:

The following may be attributed to the Administration for Children and Families at the U.S. Department of Health and Human Services:

"In most cases when a child enters the United States illegally without a parent or guardian, by law the minor is placed into the care and custody of the Office of Refugee Resettlement at HHS' Administration for Children and Families. At that point, our paramount concern is the child's safety and well-being. While the child is in our custody, our goal is to provide food, shelter and care to her under federal statute. In this specific case, we are providing excellent care to the adolescent girl and her unborn child, who remain under our care until the mother's release."

---

**From:** Holt, Lydia (ACF)  
**Sent:** Wednesday, October 11, 2017 7:14 PM  
**To:** Lloyd, Scott (ACF); Tota, Kenneth (ACF); White, Jonathan (ACF); Moreno, Mr. Pedro (ACF)  
**Cc:** White, Laura (ACF)  
**Subject:** RE: UPDATE: Media Inquiries--San Francisco ACLU vs. HHS Litigation

You're welcome Scott.

---

**From:** Lloyd, Scott (ACF)  
**Sent:** Wednesday, October 11, 2017 7:10 PM  
**To:** Holt, Lydia (ACF); Tota, Kenneth (ACF); White, Jonathan (ACF); Moreno, Mr. Pedro (ACF)

**Cc:** White, Laura (ACF)

**Subject:** RE: UPDATE: Media Inquiries--San Francisco ACLU vs. HHS Litigation

Thank you, Lydia.

Scott

---

**From:** Holt, Lydia (ACF)

**Sent:** Wednesday, October 11, 2017 7:07 PM

**To:** Lloyd, Scott (ACF); Tota, Kenneth (ACF); White, Jonathan (ACF); Moreno, Mr. Pedro (ACF)

**Cc:** White, Laura (ACF)

**Subject:** UPDATE: Media Inquiries--San Francisco ACLU vs. HHS Litigation

Good evening all,

Just wanted to provide an update on the media queries received regarding the ACLU vs. HHS litigation today.

Vice News

Courthouse News Service

BuzzFeed

Washington Times

Telemundo

Los Angeles and San Francisco Journal

OC is working with ASPA and is preparing a statement to provide to the press at this time.

I will update you as more information becomes available.

Thanks,

Lydia

**Lydia A. Holt**

*Public Affairs Specialist*

**Office of Refugee Resettlement**

**Administration for Children and Families (ACF)**

U.S. Department of Health and Human Services

330 C Street SW

Washington, D.C. 20201

[Lydia.Holt@acf.hhs.gov](mailto:Lydia.Holt@acf.hhs.gov)

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(b)(6) (C)

**Teleworking on Mondays**

<b>Sender:</b>	Holt, Lydia (ACF) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=679190009C0F4AD2B219F787DCCA6A98-HOLT, LYDIA>
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<b>Sent Date:</b>	2017/10/12 09:55:13
<b>Delivered Date:</b>	2017/10/12 09:55:14



<b>From:</b>	ACF Media Clips (ACF) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CE7732928C9940438B1362D2C03D4A79-ACFMEDIACLI>
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<b>Subject:</b>	ACF Media Clips for Oct. 12, 2017
<b>Date:</b>	2017/10/12 14:32:12
<b>Priority:</b>	Normal
<b>Type:</b>	Note

## ACF Media Clips for Oct. 12, 2017

### **Child Care**

#### **Murray stumps for child care: Senator visits Hadlock center to hear about cost**

U.S. Sen. Patty Murray visited the Cedarbrook Early Learning Center in Port Hadlock to talk with parents and child care providers to publicize a bill she has introduced, the Child Care for Working Families Act.

*Peninsula Daily News, WA*

*Oct. 12, 2017*

#### **If we don't speak up for our youngest children their development will be compromised**

Three weeks ago, Sen. Patty Murray (D-Wash.) shared her bold vision for what a nation committed to all young children could look like by introducing The Child Care for Working Families Act. Supported by 27 senators and endorsed by over 100 organizations serving children and families, The Child Care for Working Families Act addresses the massive child care crisis in our nation head on.

*Opinion*

*The Hill, DC*

*Oct. 11, 2017*

### **Children, Youth & Families**

#### **After growing up in 20 foster homes, St. Louis woman brings music to kids who've had a rough start**

Barrier now offers the same experience to kids in foster care or who've been adopted after living tumultuous environments. Her 1-year-old organization has taken dozens of St. Louis children and their families to musicals at the Fox Theatre and The Muny.

*KBIA, MO*

*Oct. 12, 2017*

#### **Universities need to help foster kids get a degree**

The neglect foster kids face — whether with their foster or biological families — makes it difficult for them to "develop the brain connections that facilitate language and vocabulary

development, and therefore may impair communication skills," according to a journal article in the American Academy of Pediatrics.

*Opinion*

*University of Maryland Diamondback, MD*

*Oct. 12, 2017*

### **Councilor challenges state contract with religious organization to recruit foster parents**

A \$100,000 contract for a faith-based initiative by Bethany Christian Services of Candia to recruit foster and adoptive families was approved by the Executive Council on Wednesday, despite opposition from Democratic Councilor Andru Volinsky of Concord, who questioned if the group would serve gay foster or adoptive parents.

*Manchester Union Leader, NH*

*Oct. 11, 2017*

### **For Kansas foster care task force, report of missing children latest concern**

The number of children in foster care nationwide increased every year from 2012 to 2015, the last year for which national data is available. Thirty-five states, including Kansas, saw an increase in the number of children in their foster care systems during that period.

*KCUR, MO*

*Oct. 12, 2017*

### **Wide receiver stands out during his sophomore campaign (featuring ACF)**

Starting at the age of seven, Gladney began living in group homes in the Binghamton, New York, area. He bounced around quite a bit, which can be common in foster care, unable to land somewhere permanent. According to data from the Administration of Children and Families, at the federal Department of Health and Human Services, children have, on average, three different foster care placements.

*Ithacan, NY*

*Oct. 11, 2017*

### **Help! Government kidnapped my child! (featuring ACF)**

According to statistical data published by the federal Department of Health and Human Services in 2012, Child Protective Services (CPS) checked up on 3.2 million children, though only 686,000 were reported as abused or neglected — meaning that 2.5 million children have been declared non-victims. Since the early years of its creation, the scope of CPS' powers has grown, and it has usurped an immense amount of the natural and God-given right of parents to rear their children.

*Opinion*

*New American, WI*

*Oct. 11, 2017*

## **Child Support**

### **Halbert Sullivan is 2017 nonprofit executive of the year**

While in his master's program, two women approached him with the idea for starting the Fathers' Support Center, which promotes the father's involvement in their children's lives through intensive job training, group therapy, community service and parenting workshops.

Since its inception in 1997, the center has served more than 14,000 fathers and their families, transitioning nonparticipating fathers to a position of involvement in the lives of over 40,000 children.

*St. Louis American, MO*

*Oct. 12, 2017*

### **Child support guidelines may change to factor in wage hike**

Arizona court officials may tweak state guidelines for determining child support obligations to take into account a voter-approved increase in the minimum wage. Officials say not making a change to reflect the higher minimum wage could require low-income workers to pay a higher percentage of their earnings in child support.

*Associated Press, AZ*

*Oct. 11, 2017*

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### **Head Start**

#### **JCPS leaders said they won't tolerate alleged abuse of students in Head Start program**

*(featuring ACF)*

Seven teachers and assistants within JCPS have been fired since a report was released from the Administration for Children and Families in August alleging children were slapped, threatened and thrown in a closet. On Tuesday night, board members discussed that report, which details 23 incidents that happened in the Head Start and Early Head Start programs in several JCPS schools last year.

*WDRB, KY*

*Oct. 10, 2017*

#### **Report alleges abuse inside JCPS Head Start program** *(featuring ACF)*

A recent investigation found incidents of Jefferson County Public Schools Head Start teachers and assistants hitting, biting, force-feeding and throwing children. The Director of the National Head Start program has threatened to suspend JCPS.

*WLKY, KY*

*Oct. 11, 2017*

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#### **Federal official threatens to suspend JCPS Head Start program over abuse allegations**

*(featuring ACF)*

A top federal official said Washington is ready to suspend the Jefferson County Public Schools Head Start program, if necessary, because of ongoing allegations of abuse. Ann Lineham, Acting Director of the national Head Start program, met personally with JCPS administrators and Board members Tuesday, and accused them of not doing enough to protect its youngest and most vulnerable students.

*WAVE, KY*

*Oct. 11, 2017*

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#### **JCPS fires seven after federal report details neglect, abuse of students** *(featuring ACF)*



Jefferson County Public Schools has fired seven employees after a report from a federal agency listed 13 incidents in which staff abused or neglected children. The incidents were reported by parents or JCPS staffers between Dec. 1, 2016 and May 18 at 10 JPCS sites.

*Insider Louisville, KY*

*Oct. 11, 2017*

## **Refugee Resettlement**

**U.S. resettles fewer refugees, even as global number of displaced people grows (featuring ACF)**

Compared with those seeking refuge on Europe's shores, the U.S. Refugee Resettlement Program is a different pathway for those fleeing conflict. For example, the more than 1.3 million refugees entering Europe in 2015 were asylum seekers, not resettled refugees. They sought refuge in Europe on their own after arriving in Europe and were not formally resettled by European countries. They will wait for decisions on their asylum applications while living in Europe.

*Opinion*

*Pew Research Center, DC*

*Oct. 12, 2017*

**Number of refugees coming to the U.S. falling fast under Trump, study shows (featuring ACF)**

The Christie administration last year told the federal government that New Jersey would no longer will participate in refugee resettlement programs, leaving it up to nonprofit groups and churches.

*Newark Star-Ledger, NJ*

*Oct. 12, 2017*

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## **Trafficking**

**US closes trucking firm tied to smuggling case**

Federal safety regulators have shut down a troubled Iowa trucking company that owned the semitrailer involved in a human trafficking case in which 10 immigrants died in Texas.

*Associated Press, IA*

*Oct. 12, 2017*

**Human trafficking is still a problem in D.C. area**

The International Labour Organization estimates that there are more than 20.9 million victims of human trafficking worldwide. More than half of all victims are women and girls, with 26 percent of all cases being children. Locally, 2,563 people have been reported missing in the District in 2017 alone, according to statistics released by the Metropolitan Police Department on Sept. 29. Of these, 1,637 were children, some who may be victims of human trafficking rings.

*Opinion*

*Afro, MD*

*Oct. 12, 2017*

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## **Unaccompanied Alien Children**

### **Judge won't order officials to allow abortion for immigrant** *(featuring ACF)*

A federal judge in San Francisco said Wednesday that the government cannot prevent a pregnant 17-year-old at a Texas facility for unaccompanied immigrant children from getting an abortion, but declined to issue an order that would bar federal officials from interfering in the girl's access to the procedure. U.S. Magistrate Judge Laurel Beeler said the legal challenge on behalf of the girl by the American Civil Liberties Union of Northern California was not filed in the right court.  
*Associated Press, TX*  
*Oct. 12, 2017*

### **Judge refuses to step in to immigrant's abortion controversy** *(featuring ACF)*

A federal judge Wednesday declined to make the federal government stop blocking a detained 17-year-old immigrant from getting an abortion, despite finding "no justification" for restricting her rights. U.S. Magistrate Judge Laurel Beeler rejected the ACLU's request for a restraining order as moot, finding the claims of an unaccompanied immigrant minor at a shelter in Texas were too unrelated to the lawsuit already filed in Beeler's court.  
*Courthouse News Service, SF*  
*Oct. 12, 2017*

### **Judge refuses to hear case on teenage illegal immigrant who wants an abortion** *(featuring ACF)*

A federal judge in California refused to hear a case slated for Wednesday deciding whether the state of Texas must help a teenage illegal immigrant obtain an abortion. U.S. Magistrate Judge Laurel Beeler said she couldn't hear the case because the girl — who remains anonymous for privacy reasons — is in Texas rather than the state of California. A judge in another state does not have jurisdiction to rule on the case she said.  
*Daily Caller, DC*  
*Oct. 12, 2017*

### **Texas backs Trump agency in holding undocumented abortion-seeking minor 'hostage'** *(featuring ACF)*

Attorney General Ken Paxton declared in a court brief this week in support of the Trump administration's decision to prevent an undocumented minor from obtaining abortion in the state that Texas "must not become a sanctuary state for abortions." Paxton led six other states, including Louisiana and Oklahoma, in defending ORR in a court brief. However, the feds are legally required to provide unaccompanied minors with basic necessities, such as housing and medical care, including family planning services and abortion.  
*Austin Chronicle, TX*  
*Oct. 12, 2017*

### **Judge says feds have no right to block undocumented minor's abortion — but won't stop them** *(featuring ACF)*

A federal judge has declined to stop the government from blocking a teenage girl living in Texas from getting a legal abortion. The 17-year-old girl is an undocumented immigrant currently in the care of the federal government, since she travelled to the U.S. as an unaccompanied minor,

meaning she is entitled to U.S. health care. But, while U.S. Magistrate Judge Laurel Beeler said she found “no justification” for the government restricting Doe's right to an abortion, she said the issue is out of her hands.

*San Antonio Current, TX*

*Oct. 12, 2017*

**Undocumented teen’s abortion delayed by CA ruling** *(featuring ACF)*

A U.S. magistrate judge in San Francisco refused Wednesday to order federal officials to allow an abortion for an undocumented pregnant 17-year-old who is being held in a government-funded shelter in Texas and who wants the procedure. U.S. Magistrate Judge Laurel Beeler said the case was too remote from the Northern California federal court district for her to take action. Beeler also said in a written ruling that the federal officials were not entitled to obstruct Jane Doe from obtaining an abortion. “The government may not want to facilitate abortion, but it cannot block it. It is doing that here,” Beeler wrote.

*California Patch, CA*

*Oct. 12, 2017*

**An immigrant minor in Texas is being denied an abortion because of this cruel Trump policy** *(featuring ACF)*

While living in a government-funded immigration center in Texas, an immigrant minor was denied an abortion, according to the American Civil Liberties Union. The young woman entered the United States undocumented at the age of 17 and is now under the legal custody of the Office of Refugee Resettlement (ORR). Despite obtaining a judicial waiver required by the state to obtain an abortion, she has been unable to obtain access to a clinic.

*Bustle, NY*

*Oct. 12, 2017*

**Judge won’t reverse Trump admin block on abortions for undocumented teen girls** *(featuring ACF)*

A federal judge refused Wednesday to step into a Texas abortion case involving a shelter that is encouraging a 17-year-old immigrant to choose life for her unborn baby, instead of abortion. On Wednesday, U.S. Magistrate Judge Laurel Beeler refused to grant the pro-abortion legal group’s request, saying the restraining order should be filed in a different court and as a separate case to one that the ACLU filed earlier this year, according to the AP. While Beeler said the matter was not for her to decide, she also said she thinks there is “no justification” for preventing the girl from getting an abortion.

*Life News, DC*

*Oct. 12, 2017*

**Judge denies ACLU effort to release immigrant girl from custody to get abortion** *(featuring ACF)*

A federal judge on Wednesday declined to force the federal government to release a pregnant girl from a refugee shelter so that she can get an abortion, saying the decision didn’t belong in her court. But in her ruling, U.S. District Judge Laurel Beeler expressed concern that the Trump administration is blocking access to abortion for migrant girls in federal custody.

*Reveal/The Center for Investigative Reporting, CA*



*Oct. 11, 2017*

**Judge throws out suit filed by unaccompanied minor seeking abortion** *(featuring ACF)*

A federal judge threw out a suit Wednesday from an unaccompanied minor from Central America who sued the Trump administration for denying her access to an abortion during her detention in a federally funded immigration facility in Texas. In the ruling, the judge noted that the Trump administration can't legally prevent unaccompanied minors from getting abortions. But because the plaintiff was in Texas, the judge held, her case shouldn't have been heard in California, where it had been joined with another federal case challenging religious-affiliated detention centers denying abortions, according to the ACLU.

*Vice News, NY*

*Oct. 11, 2017*

**Undocumented teen's request to have an abortion in Texas dismissed by federal judge** *(featuring ACF)*

A federal judge dismissed a request Wednesday for an undocumented teen to have an abortion in Texas, but her advocates say the fight is not over. The organization requested a temporary restraining order to force the U.S. Department of Health and Human Services to either transport Doe or allow her to be taken to an abortion clinic for her procedure. U.S. Magistrate Judge Laurel Beeler denied the request, saying that because Doe is not from the Northern California district, it's not the correct venue for the decision.

*Dallas Morning News, TX*

*Oct. 11, 2017*

**Court won't hear case of undocumented teenager seeking abortion access** *(featuring ACF)*

A federal court has refused to hear the case of a pregnant 17-year-old undocumented immigrant at the center of a legal dispute over whether unaccompanied immigrant minors have the right to an abortion in the United States. The California judge denied the request, arguing that she couldn't hear Doe's case because Doe is in Texas. However, the judge did say that "the government has no business blocking Jane Doe's abortion."

*Texas Tribune, TX*

*October 11, 2017*

**The latest: Judge won't order officials to allow abortion** *(featuring ACF)*

A federal judge won't order federal officials to allow a pregnant 17-year-old being held in a Texas facility for unaccompanied immigrant children to get an abortion. U.S. Magistrate Judge Laurel Beeler ruled Wednesday that the legal challenge on behalf of the girl by the American Civil Liberties Union of Northern California was not filed in the right court.

*Associated Press, DC*

*Oct. 11, 2017*

**Judge won't order officials to allow abortion** *(featuring ACF)*

A federal judge in California says she doesn't understand why federal officials don't step aside and allow a pregnant 17-year-old being held in a Texas facility for unaccompanied immigrant children to get an abortion. U.S. Magistrate Judge Laurel Beeler also said Wednesday during a

hearing in San Francisco that she didn't think the legal challenge on behalf of the girl by the American Civil Liberties Union of Northern California belonged in her courtroom.

*Daily Journal, CA*

*Oct. 11, 2017*

**Court denies request to release undocumented teen from Texas facility for an abortion (featuring ACF)**

A federal court denied a request Wednesday from attorneys advocating on behalf of a pregnant minor in the custody of the Office of Refugee Resettlement in Brownsville. The teenager is being prevented from getting an abortion because of a Trump administration policy that bars unaccompanied immigrant minors from accessing them. The court, which is in Northern California, said it couldn't grant the request because the teen is in Texas. In its ruling, however, it said "the government may not want to facilitate an abortion, but it cannot block it."

*KERA, TX*

*Oct. 11, 2017*

**ACLU sues Trump administration to force government to provide abortions for illegal immigrant minors (featuring ACF)**

The American Civil Liberties Union (ACLU) added the case of an unaccompanied minor, who came into the U.S. illegally and is not being given abortion access by the government, to their June lawsuit against the federal government for awarding grant money to religious organizations, such as the United States Conference of Catholic Bishops (USCCB) that help unaccompanied minors but won't refer them for abortions.

*Townhall, CA*

*Oct. 11, 2017*

**Immigrant minor held 'hostage' by Texas because she wants abortion care (featuring ACF)**

An unaccompanied immigrant minor at a Texas shelter is being prevented from accessing abortion care by the Office of Refugee Resettlement (ORR), the federal agency overseeing migrant youth crossing the U.S.-Mexico border without a guardian. Officials are both refusing her transportation to the medical facility and refusing to allow her to leave the shelter with her guardian for the purpose of obtaining an abortion. ORR is supposed to provide transportation to minors when they need to go to court or see a doctor.

*Rewire, MD*

*Oct. 11, 2017*

**Texas can't become 'sanctuary state for abortions,' Paxton tells court (featuring ACF)**

Texas Attorney General Ken Paxton on Tuesday urged a federal court in San Francisco to say that women in the United States illegally do not have a right to abortion services. Paxton filed a brief in an existing case, which includes an undocumented minor in Texas seeking an abortion, arguing that the "Constitution does not confer on Jane Doe the right to an abortion."

*El Paso Times, TX*

*October 10, 2017*

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<b>Sender:</b>	ACF Media Clips (ACF) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CE7732928C9940438B1362D2C03D4A79-ACFMEDIACLI>
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<b>Sent Date:</b>	2017/10/12 14:29:25
<b>Delivered Date:</b>	2017/10/12 14:32:12



<b>From:</b>	Marriott, Brian (ACF) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4AE7A85E29E243969FD8C7803B2AF592-MARRIOTT, B>
<b>To:</b>	"Wolfe, Kenneth (ACF) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1f392f88a57d44df8c85dd4a2c547ddb-Wolfe, Kenn>"; "Wynne, Maggie (HHS/IOS) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=aab414d065764e13baf66a6f66b299ab-Wynne, Marg>"; "Wagner, Steven (ACF) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3cec05da51ab4c7c978051f08d947637-Wagner, Jam>"; "Yoest, Charmaine (OS/ASPA) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=85e8821966a9482a825d7d4108319469-Yoest, Char>"; "Lloyd, Scott (ACF) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5f7f5ddb3dac432cbdd8acaf8038cfb5-Lloyd, Edwa>"
<b>CC:</b>	"Powers, Mary (ACF) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=99f1a17205104715b088b389466beae6-Powers, Mar>"
<b>Subject:</b>	RE: UAC
<b>Date:</b>	2017/10/12 15:16:29
<b>Priority:</b>	Normal
<b>Type:</b>	Note

Thanks Ken. Beat me to it.

---

**From:** Wolfe, Kenneth (ACF)  
**Sent:** Thursday, October 12, 2017 3:13 PM  
**To:** Wynne, Maggie (HHS/IOS); Wagner, Steven (ACF); Yoest, Charmaine (OS/ASPA); Marriott, Brian (ACF); Lloyd, Scott (ACF)  
**Cc:** Powers, Mary (ACF)  
**Subject:** RE: UAC

Here is the reconciled/final statement from last evening, attributable to the Administration for Children and Families at the U.S. Department of Health and Human Services –

“In most cases when a child enters the United States illegally without a parent or guardian, by law the minor is placed into the care and custody of the Office of Refugee Resettlement at HHS’ Administration for Children and Families. At that point, our paramount concern is the child’s safety and well-being. While the child is in our custody, our goal is to provide food, shelter and care to her under federal statute. In this specific case, we are providing excellent care to the adolescent girl and her unborn child, who remain under our care until the mother’s release.”

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**From:** Wynne, Maggie (HHS/IOS)  
**Sent:** Thursday, October 12, 2017 3:11 PM  
**To:** Wagner, Steven (ACF); Yoest, Charmaine (OS/ASPA); Marriott, Brian (ACF); Wolfe, Kenneth

(ACF); Lloyd, Scott (ACF)  
**Cc:** Powers, Mary (ACF)  
**Subject:** UAC

Please ensure that I am included on emails related to the UAC case currently at issue in TX.

E.g., I don't think I have received the final ACF-prepared statement.

Thank you,  
Maggie

<b>Sender:</b>	Marriott, Brian (ACF) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4AE7A85E29E243969FD8C7803B2AF592-MARRIOTT, B>
<b>Recipient:</b>	"Wolfe, Kenneth (ACF) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1f392f88a57d44df8c85dd4a2c547ddb-Wolfe, Kenn>"; "Wynne, Maggie (HHS/IOS) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=aab414d065764e13baf66a6f66b299ab-Wynne, Marg>"; "Wagner, Steven (ACF) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3cec05da51ab4c7c978051f08d947637-Wagner, Jam>"; "Yoest, Charmaine (OS/ASPA) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=85e8821966a9482a825d7d4108319469-Yoest, Char>"; "Lloyd, Scott (ACF) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5f7f5ddb3dac432cbdd8acaf8038cfb5-Lloyd, Edwa>"; "Powers, Mary (ACF) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=99f1a17205104715b088b389466beae6-Powers, Mar>"
<b>Sent Date:</b>	2017/10/12 15:16:28
<b>Delivered Date:</b>	2017/10/12 15:16:29

<b>From:</b>	Bena, Anna Marie (HHS/OGC) (ACF) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=USER73B01E01>
<b>To:</b>	"ORR Senior Leadership </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c9ae7725edbe4de7b80993878a4742ca-ORR Senior>"; "Wynne, Maggie (HHS/IOS) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=aab414d065764e13baf66a6f66b299ab-Wynne, Marg>"
<b>Subject:</b>	ORR Litigation Update
<b>Date:</b>	2017/10/12 15:49:05
<b>Priority:</b>	Normal
<b>Type:</b>	Note

I have attached the litigation update.

**UAC litigation.** In *ACLU v Price*, on 10/5 the ACLU filed a Motion to Amend/Correct their complaint and a First Motion for Temporary Restraining Order related to ORR family planning practices arising out of Texas. On 10/11, the court denied both motions, but denied the TRO without prejudice to Jane Doe's asserting her claims in a different lawsuit. In *Gomez*, on 10/6, the defendants filed several documents in support of their Motions to Dismiss.

**Refugee litigation.** In *Indiana*, on 10/10 the court granted Indiana's motion for extension of time to file a reply (reply due by 10/18). In *Oregon*, on 10/6 the court granted Federal defendants' motion for extension of time to file response/reply regarding their motion to dismiss.

#### **UAC bond hearings.**

- There are currently 21 outstanding bond hearing requests. Of these:
  - 7 hearings are currently scheduled:
    - 1 hearing in the Arlington, VA
    - 6 hearings in the New York, NY court
  - 3 motions have been filed in San Antonio, TX (awaiting scheduling notices)
  - 1 motion filed by ORR was rejected by the San Francisco court; ORR will re-file
- Since last week:
  - There have been no bond hearings.
  - 1 UAC withdrew his bond hearing request.
- **To date there have been:**
  - 8 IJ decisions. In all cases the judges agreed with ORR.
  - 18 UACs who requested bond hearings but subsequently withdrew their requests
  - 10 UACs who requested bond hearings but no longer require them because they are no longer in ORR custody (e.g., because they were subsequently reunified with a sponsor, were ordered removed, aged out, etc.).

<b>Sender:</b>	Bena, Anna Marie (HHS/OGC) (ACF) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=USER73B01E01>
<b>Recipient:</b>	"ORR Senior Leadership </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c9ae7725edbe4de7b80993878a4742ca-ORR Senior>"; "Wynne, Maggie (HHS/IOS) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=aab414d065764e13baf66a6f66b299ab-Wynne, Marg>"
<b>Sent Date:</b>	2017/10/12 15:49:01



<b>Delivered Date:</b>	2017/10/12 15:49:05
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<b>From:</b>	Holt, Lydia (ACF) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=679190009C0F4AD2B219F787DCCA6A98-HOLT, LYDIA>
<b>To:</b>	"Lloyd, Scott (ACF) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5f7f5ddb3dac432cbdd8acaf8038cfb5-Lloyd, Edwa>"
<b>CC:</b>	"White, Jonathan (ACF) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e9b5fe526f1d4ba0a6cc8ddee8ec4d87-Jonathan Wh>"; "White, Laura (ACF) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2e7ff3f1d0ba483990c0f80827410056-Gregg, Laur>"
<b>Subject:</b>	RE: Follow-up from Associated Press/ UAC Litigation
<b>Date:</b>	2017/10/12 15:52:46
<b>Priority:</b>	Normal
<b>Type:</b>	Note

Will do.

Thank you,  
Lydia

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**From:** Lloyd, Scott (ACF)  
**Sent:** Thursday, October 12, 2017 3:51 PM  
**To:** Holt, Lydia (ACF)  
**Cc:** White, Jonathan (ACF); White, Laura (ACF)  
**Subject:** RE: Follow-up from Associated Press/ UAC Litigation

Please respond that we're not able to answer that question, as to #1

---

**From:** Holt, Lydia (ACF)  
**Sent:** Thursday, October 12, 2017 3:49 PM  
**To:** Lloyd, Scott (ACF)  
**Cc:** White, Jonathan (ACF); White, Laura (ACF)  
**Subject:** Follow-up from Associated Press/ UAC Litigation

Hi Scott,

I am providing the follow-up query below for your awareness. Both Jonathan and AnnaMarie have advised that the only question we would be able to answer is question #1.

However, providing this data, which is a very tedious process, will take a number of days to complete.

Please let me know if you have any concerns. Thanks.

**QUERY**

I'm working on a follow-up to the Jane Doe story and had a few specific questions for ACF related to emails the ACLU of Northern California included in one of its federal court filings. A lot of these emails were excerpted by the Center for Investigative Reporting and written here: <https://www.revealnews.org/blog/court-filing-trump-appointee-blocks-pregnant-teen-migrant-from-getting-abortion/>

The questions I had were:

1. How many children in HHS' custody are pregnant?
2. Is it ORR policy to forbid (or discourage) unaccompanied children in its custody from seeking a judicial bypass of abortion restrictions? (Noting email from Scott Lloyd: "She should not be meeting with an attorney regarding her termination or otherwise pursuing judicial bypass at this point.")
3. Is it ORR policy to require unaccompanied children in its custody to obtain parental consent and specifically a notarized declaration of consent from the parents, even if the parents might be in a foreign country? (Noting email at top of Document 84-8: "After the options counseling, if the UC still desires the abortion, and it is still within the window for a legal abortion,
  - a. the UC must obtain parental consent, which will necessitate options counseling with them, plus signed, notarized declaration of consent."))
4. Related to those questions, has ORR codified guidance in a March 30 email from Scott Lloyd (Document 84-4: "Grantees should not be supporting abortion services pre or post-release; only pregnancy services and life-affirming options counseling.")
5. In a March 22 email, a writer whose name is blacked out questions whether ORR's directive not to allow unaccompanied children to get a judicial bypass is legally sound. The response to that email is entirely blacked out. What did ORR instruct that writer and others who may have questioned the policy? (March 22 email in Document 84-3: "Isn't that contrary to state law? My understanding is that the judicial bypass was created specifically so that the young lady does not need approval from her guardian (in our case the Director of ORR) to move forward with a term of pregnancy.")
6. Has Director Lloyd spoken directly to any individual children seeking an abortion? (Noting email in Document 84-6 from Jonathan White: "Were you able to speak with the pregnant girl at the SWK site (KAMM)?" And



**Scott Lloyd response "Yes—they were going to a CPC site today and we're going to discharge according to my understanding.")**

**Lydia A. Holt**

*Public Affairs Specialist*

**Office of Refugee Resettlement**

**Administration for Children and Families (ACF)**

U.S. Department of Health and Human Services

330 C Street SW

Washington, D.C. 20201

[Lydia.Holt@acf.hhs.gov](mailto:Lydia.Holt@acf.hhs.gov)

202.401.9217 (W)

(b)(6) (C)

### **Teleworking on Mondays**

<b>Sender:</b>	Holt, Lydia (ACF) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=679190009C0F4AD2B219F787DCCA6A98-HOLT, LYDIA>
<b>Recipient:</b>	"Lloyd, Scott (ACF) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5f7f5ddb3dac432cbdd8acaf8038cfb5-Lloyd, Edwa>"; "White, Jonathan (ACF) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e9b5fe526f1d4ba0a6cc8ddee8ec4d87-Jonathan Wh>"; "White, Laura (ACF) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2e7ff3f1d0ba483990c0f80827410056-Gregg, Laur>"
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<b>Delivered Date:</b>	2017/10/12 15:52:46

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<b>CC:</b>	"White, Laura (ACF) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2e7ff3f1d0ba483990c0f80827410056-Gregg, Laur>"
<b>Subject:</b>	Re: Follow-up from Associated Press/ UAC Litigation
<b>Date:</b>	2017/10/12 16:44:32
<b>Priority:</b>	Normal
<b>Type:</b>	Note

Scott,

(b)(5)

Jonathan

Jonathan White  
 Commander, US Public Health Service  
 Deputy Director for Children's Programs  
 Office of Refugee Resettlement  
 Administration for Children and Families  
 Jonathan.White@acf.hhs.gov

(b)(6)

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On: 12 October 2017 15:50, "Lloyd, Scott (ACF)" <Scott.Lloyd@acf.hhs.gov> wrote:  
 Please respond that we're not able to answer that question, as to #1

---

**From:** Holt, Lydia (ACF)  
**Sent:** Thursday, October 12, 2017 3:49 PM  
**To:** Lloyd, Scott (ACF)  
**Cc:** White, Jonathan (ACF); White, Laura (ACF)  
**Subject:** Follow-up from Associated Press/ UAC Litigation

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  - a. the UC must obtain parental consent, which will necessitate options counseling with them, plus signed, notarized declaration of consent."))
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**Lydia A. Holt**

*Public Affairs Specialist*

**Office of Refugee Resettlement**

**Administration for Children and Families (ACF)**

U.S. Department of Health and Human Services

330 C Street SW

Washington, D.C. 20201

[Lydia.Holt@acf.hhs.gov](mailto:Lydia.Holt@acf.hhs.gov)

202.401.9217 (W)

(b)(6) (C)

**Teleworking on Mondays**

<b>Sender:</b>	White, Jonathan (ACF) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E9B5FE526F1D4BA0A6CC8DDEE8EC4D87-JONATHAN WH>
<b>Recipient:</b>	"Lloyd, Scott (ACF) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5f7f5ddb3dac432cbdd8acaf8038cfb5-Lloyd, Edwa>"; "White, Laura (ACF) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2e7ff3f1d0ba483990c0f80827410056-Gregg, Laur>"
<b>Sent Date:</b>	2017/10/12 16:44:32

<b>From:</b>	Wolfe, Kenneth (ACF) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1F392F88A57D44DF8C85DD4A2C547DDB-WOLFE, KENN>
<b>To:</b>	"Marriott, Brian (ACF) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4ae7a85e29e243969fd8c7803b2af592-Marriott, B>"; "Lloyd, Scott (ACF) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5f7f5ddb3dac432cbdd8acaf8038cfb5-Lloyd, Edwa>"; "Wagner, Steven (ACF) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3cec05da51ab4c7c978051f08d947637-Wagner, Jam>"; "Pilato, Anna (ACF) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=77e6b2c93f9a436b802687f05b2ae74f-Pilato, Ann>"
<b>CC:</b>	"Powers, Mary (ACF) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=99f1a17205104715b088b389466beae6-Powers, Mar>"
<b>Subject:</b>	RE: New lawsuit
<b>Date:</b>	2017/10/13 16:43:02
<b>Priority:</b>	Normal
<b>Type:</b>	Note

The follow-up statement could incorporate language from Matt's talking points:

(b)(5)

(b)(5)

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**From:** Marriott, Brian (ACF)  
**Sent:** Friday, October 13, 2017 4:41 PM  
**To:** Lloyd, Scott (ACF); Wolfe, Kenneth (ACF); Wagner, Steven (ACF); Pilato, Anna (ACF)  
**Cc:** Powers, Mary (ACF)  
**Subject:** Re: New lawsuit

I totally agree with that statement Scott.

(b)(5) I am on the metro heading to pick up (b)(5) or about an another hour before  
I get off. Steve, can you call Charmaine and Matt B to (b)(5)  
(b)(5)?

Brian

---

On: 13 October 2017 16:24, "Lloyd, Scott (ACF)" <Scott.Lloyd@acf.hhs.gov> wrote:

(b)(5)

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**To:** Wagner, Steven (ACF); Marriott, Brian (ACF); Lloyd, Scott (ACF); Pilato, Anna (ACF)  
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Here is the new Associated Press article, following an interview with attorney Rochelle Garza:

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# Immigrant teen's advocates: US



# pushing anti-abortion agenda

By Nomaan Merchant | Associated Press

HOUSTON — Shortly after taking over the U.S. government office that oversees facilities for unaccompanied immigrant children, Scott Lloyd told a subordinate what to do with a teenager who wanted an abortion.

Facilities under HHS “should not be supporting abortion services pre or post-release,” but rather “life-affirming options counseling,” Lloyd wrote in an email. And the person seeking an abortion “should not be meeting with an attorney regarding her termination” or seeking a waiver exempting her from a state requirement that minors get a parent’s consent, he wrote in another.

The apparent new policy is being put to the test, as lawyers have gone to court to try to force the government to allow a 17-year-old Central American being held at a Texas facility to get an abortion. They accuse the Trump administration of trying to stop any immigrant teens in government custody from terminating a pregnancy.

“She’s being used as a pawn,” Rochelle Garza, a lawyer appointed to represent the interests of the teen, told The Associated Press on Thursday. She declined to give her client’s name and native country due to privacy concerns.

The teen is as much as 14 weeks pregnant in a state that bans most abortions after the 20th week and she’s feeling hopeless, Garza said. On Wednesday, a federal judge in San Francisco said the government

can't prevent the teen from getting an abortion, but she said the case was filed in the wrong jurisdiction and declined to order the government not to interfere with the teen's abortion access. Garza and the other lawyers, including some from the American Civil Liberties Union, filed a new complaint Friday in federal district court in Washington, D.C.

The ACLU included Lloyd's emails in a filing in the case against the U.S. Department of Health and Human Services, which oversees facilities for children who arrive in the U.S. on their own.

HHS didn't respond to questions about whether it has a formal policy restricting immigrants in its care from seeking abortions. But last month, it issued a draft of its department-wide strategic plan for 2018 to 2022 that defines its mission as "serving and protecting Americans at every stage of life, beginning at conception."

The agency also didn't reply to detailed questions about the emails, many of which had large portions blacked out. It has roughly 5,000 children currently in custody, though it did not say how many are pregnant. It did issue a statement Wednesday saying it is "providing excellent care to the adolescent girl and her unborn child, who remain under our care until the mother's release."

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“Please have her clinician keep a close eye on her,” Lloyd wrote. “As I’ve said, often these girls start to regret abortion, and if this comes up, we need to connect her with resources for psychological and/or religious counseling.”

He also offered to connect the teen with “a few good families” who would “see her through her pregnancy.”

In a March 24 email, Lloyd said a girl who was pregnant should be offered “spiritual counseling” or taken for an ultrasound to a crisis pregnancy center. Such facilities seek to discourage women from having abortions.

“She should not be meeting with an attorney regarding her termination or otherwise pursuing judicial bypass at this point,” Lloyd said.

Susan Hays, legal director of Jane’s Due Process, which helps pregnant minors in Texas to get abortions, accused HHS of being “turned over to ideological extremists who want to use the power of the federal government to impose their religion on everyone else.”

Hays, whose group is working with the 17-year-old now seeking an abortion, said another teen earlier this year obtained the judicial bypass required by Texas law and began a medication abortion, which is administered by pills taken on two successive days.

The first pill was administered on a Friday, but before the second pill could be given Saturday, HHS ordered the facility holding the teen not to let her have it, Hays said. Starting but not completing the abortion could have put the teenager’s life at risk.



After Hays and others intervened and threatened to go to court, the teen was allowed to complete the abortion that Sunday, she said.

“That is a dystopian future for teenage girls who are forced to do that, and that’s what ORR is doing today,” Hays said.

Garza said she is wrongly being denied access to her client, even though she has been appointed a guardian under the law and obtained a judicial bypass order.

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“It’s going to get to the point where there aren’t more options, and then what’s going to happen?” Garza said.

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**Sent:** Friday, October 13, 2017 3:59 PM  
**To:** Wolfe, Kenneth (ACF); Marriott, Brian (ACF); Lloyd, Scott (ACF); Pilato, Anna (ACF)  
**Subject:** RE: New lawsuit

I concur. Thanks

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FYI, we have received requests for comment from the Associated Press and NPR so far on this.

(b)(5)

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<b>Sent Date:</b>	2017/10/13 16:43:02

<b>From:</b>	Powers, Mary (ACF) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=99F1A17205104715B088B389466BEAE6-POWERS, MAR>
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<b>Subject:</b>	RE: New lawsuit
<b>Date:</b>	2017/10/13 16:53:00
<b>Importance:</b>	High
<b>Priority:</b>	Urgent
<b>Type:</b>	Note

How far are we in getting these approved? I can call Charmaine tonight and get them approved. Edited the third bullet as suggestion.

(b)(5)

*\*Confidential and pre-decisional communication.*

---

**From:** Wolfe, Kenneth (ACF)  
**Sent:** Friday, October 13, 2017 4:43 PM  
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(b)(5)

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**Sent:** Friday, October 13, 2017 3:59 PM

**To:** Wolfe, Kenneth (ACF); Marriott, Brian (ACF); Lloyd, Scott (ACF); Pilato, Anna (ACF)

**Subject:** RE: New lawsuit

I concur. Thanks

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**Sent:** Friday, October 13, 2017 2:21 PM  
**To:** Wagner, Steven (ACF); Marriott, Brian (ACF); Lloyd, Scott (ACF); Pilato, Anna (ACF)  
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<b>Recipient:</b>	"Wolfe, Kenneth (ACF) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1f392f88a57d44df8c85dd4a2c547ddb-Wolfe, Kenn>"; "Marriott, Brian (ACF) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4ae7a85e29e243969fd8c7803b2af592-Marriott, B>"; "Lloyd, Scott (ACF) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5f7f5ddb3dac432cbdd8acaf8038cfb5-Lloyd, Edwa>"; "Wagner, Steven (ACF) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3cec05da51ab4c7c978051f08d947637-Wagner, Jam>"; "Pilato, Anna (ACF) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=77e6b2c93f9a436b802687f05b2ae74f-Pilato, Ann>"
<b>Sent Date:</b>	2017/10/13 16:53:00



<b>From:</b>	Wolfe, Kenneth (ACF) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1F392F88A57D44DF8C85DD4A2C547DDB-WOLFE, KENN>
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<b>Subject:</b>	RE: New lawsuit
<b>Date:</b>	2017/10/13 17:38:02
<b>Priority:</b>	Normal
<b>Type:</b>	Note

Hi, Scott. Have you heard from Steve on this since 3:59? I want to be sure he is on board before moving forward.

---

**From:** Wolfe, Kenneth (ACF)  
**Sent:** Friday, October 13, 2017 5:30 PM  
**To:** Lloyd, Scott (ACF); Pilato, Anna (ACF); Marriott, Brian (ACF); Wagner, Steven (ACF)  
**Subject:** RE: New lawsuit

Steve/Brian – if you concur, the best route would be for (b)(5)  
 (b)(5) for the Associated Press.

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**From:** Lloyd, Scott (ACF)  
**Sent:** Friday, October 13, 2017 5:07 PM  
**To:** Pilato, Anna (ACF); Wolfe, Kenneth (ACF); Marriott, Brian (ACF); Wagner, Steven (ACF)  
**Subject:** RE: New lawsuit

I concur—thank you.

---

**From:** Pilato, Anna (ACF)  
**Sent:** Friday, October 13, 2017 5:06 PM  
**To:** Wolfe, Kenneth (ACF); Lloyd, Scott (ACF); Marriott, Brian (ACF); Wagner, Steven (ACF)  
**Subject:** Re: New lawsuit

I think that's a good idea. If we don't get a quick response we reach out to Charmaine

---

On: 13 October 2017 16:55, "Wolfe, Kenneth (ACF)" <[kenneth.wolfe@acf.hhs.gov](mailto:kenneth.wolfe@acf.hhs.gov)> wrote:

(b)(5)  
 (b)(5)

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**From:** Lloyd, Scott (ACF)  
**Sent:** Friday, October 13, 2017 4:47 PM  
**To:** Marriott, Brian (ACF); Wolfe, Kenneth (ACF); Wagner, Steven (ACF); Pilato, Anna (ACF)  
**Subject:** RE: New lawsuit

(b)(5)

Thank you,  
Scott

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**Sent:** Friday, October 13, 2017 4:43 PM  
**To:** Lloyd, Scott (ACF); Wolfe, Kenneth (ACF); Wagner, Steven (ACF); Pilato, Anna (ACF)  
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(b)(5)

(b)(5)

Brian

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The first pill was administered on a Friday, but before the second pill could be given Saturday, HHS ordered the facility holding the teen not to let her have it, Hays said. Starting but not completing the abortion could have put the teenager's life at risk.

After Hays and others intervened and threatened to go to court, the teen was allowed to complete the abortion that Sunday, she said.

"That is a dystopian future for teenage girls who are forced to do that, and that's what ORR is doing today," Hays said.

Garza said she is wrongly being denied access to her client, even though she has been appointed a guardian under the law and obtained a judicial bypass order.

The teen will turn 18 before her pregnancy would reach full term, which could lead to her being transferred to an adult detention facility run by U.S. Immigration and Customs Enforcement. Garza said she fears the teen will be forced to have the child in adult detention or deported back to Central America, where she witnessed her parents beat a sister who was pregnant.

"It's going to get to the point where there aren't more options, and then what's going to happen?" Garza said.

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**From:** Wagner, Steven (ACF)

**Sent:** Friday, October 13, 2017 3:59 PM

**To:** Wolfe, Kenneth (ACF); Marriott, Brian (ACF); Lloyd, Scott (ACF); Pilato, Anna (ACF)

**Subject:** RE: New lawsuit

I concur. Thanks



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**From:** Wolfe, Kenneth (ACF)  
**Sent:** Friday, October 13, 2017 2:21 PM  
**To:** Wagner, Steven (ACF); Marriott, Brian (ACF); Lloyd, Scott (ACF); Pilato, Anna (ACF)  
**Subject:** New lawsuit

FYI, we have received requests for comment from the Associated Press and NPR so far on this.

(b)(5)

<b>Sender:</b>	Wolfe, Kenneth (ACF) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1F392F88A57D44DF8C85DD4A2C547DDB-WOLFE, KENN>
<b>Recipient:</b>	"Lloyd, Scott (ACF) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5f7f5ddb3dac432cbdd8acaf8038cfb5-Lloyd, Edwa>"
<b>Sent Date:</b>	2017/10/13 17:38:02

<b>From:</b>	Bena, Anna Marie (HHS/OGC) (ACF) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=USER73B01E01>
<b>To:</b>	"Lloyd, Scott (ACF) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5f7f5ddb3dac432cbdd8acaf8038cfb5-Lloyd, Edwa>"; "White, Jonathan (ACF) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e9b5fe526f1d4ba0a6cc8ddee8ec4d87-Jonathan Wh>"; "Moreno, Mr. Pedro (ACF) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ffd28ce9a1d8453591e74b700a6ce1e8-Moreno, Ped>"; "Swartz, Tricia (ACF) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9a19e26301694fc68044e8d708390764-Swartz, Tri>"; "Sualog, Jallyn (ACF) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9dc0dbee78b5491faa5c79e1c569e43e-Sualog, Jal>"; "De LA Cruz, James (ACF) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2eba95d119ab4cd6a77b34616dc3366c-De LA Cruz,>"
<b>CC:</b>	"Biswas, Toby R M (ACF) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=65cead6d4c1a4ff79834677334fd7980-Biswas, Tob>"; "White, Laura (ACF) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2e7ff3f1d0ba483990c0f80827410056-Gregg, Laur>"
<b>Subject:</b>	Fwd:
<b>Date:</b>	2017/10/13 17:45:58
<b>Priority:</b>	Normal
<b>Type:</b>	Note

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**From:** "Haron, Judith (HHS/OGC)" <Judith.Haron@HHS.GOV>

**Subject:**

**Date:** 13 October 2017 16:41

**To:** "Bena, Anna Marie (HHS/OGC) (ACF)" <Annamarie.Bena@HHS.GOV>, "Suh, Victor (HHS/OGC) (ACF) (CTR)" <Victor.Suh@acf.hhs.gov>, "Biswas, Toby R M (ACF)" <Toby.Biswas@ACF.hhs.gov>

**Cc:** "Woolford, Llewellyn (HHS/OGC)" <Llewellyn.Woolford@HHS.GOV>

Here is the full filing today. You will see there are exhibits from the discovery, including ORR emails .

<b>Sender:</b>	Bena, Anna Marie (HHS/OGC) (ACF) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=USER73B01E01>
<b>Recipient:</b>	"Lloyd, Scott (ACF) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5f7f5ddb3dac432cbdd8acaf8038cfb5-Lloyd, Edwa>"; "White, Jonathan (ACF) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e9b5fe526f1d4ba0a6cc8ddee8ec4d87-Jonathan Wh>"; "Moreno, Mr. Pedro (ACF) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ffd28ce9a1d8453591e74b700a6ce1e8-Moreno, Ped>"; "Swartz, Tricia (ACF) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9a19e26301694fc68044e8d708390764-Swartz, Tri>"; "Sualog, Jallyn (ACF) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9dc0dbee78b5491faa5c79e1c569e43e-Sualog, Jal>"; "De LA Cruz, James (ACF) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2eba95d119ab4cd6a77b34616dc3366c-De LA Cruz,>";

	"Biswas, Toby R M (ACF) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=65cead6d4c1a4ff79834677334fd7980-Biswas, Tob>"; "White, Laura (ACF) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2e7ff3f1d0ba483990c0f80827410056-Gregg, Laur>"
<b>Sent Date:</b>	2017/10/13 17:45:47
<b>Delivered Date:</b>	2017/10/13 17:45:58
<b>Message Flags:</b>	Unread



<b>From:</b>	(b)(6)@iestex.org>
<b>To:</b>	"Lloyd, Scott (ACF) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5f7f5ddb3dac432cbdd8acaf8038cfb5-Lloyd, Edwa>"
<b>CC:</b>	"White, Jonathan (ACF) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e9b5fe526f1d4ba0a6cc8ddee8ec4d87-Jonathan Wh>"; "Brooks, Teresa (ACF) </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0a2883a19e184fffb906bb06591b568a-Brooks, Ter>"
<b>Subject:</b>	Brief Update IES LF SHELTER RE: State Court hearing
<b>Date:</b>	2017/10/13 19:49:09
<b>Priority:</b>	Normal
<b>Type:</b>	Note

Good Evening Mr. Lloyd,

I am writing to provide a brief update, as previously discussed, UAC has informed her Clinician and Case Manager that she wishes to make contact with her mother in home country. Several attempts were made but were unsuccessful, this afternoon assigned Case Manager (b)(6) was able to reach one of minor's brother whom stated his mother was at home and he was at school and could not talk at the moment, therefore at the request of UAC assigned Case Manager attempted to reach UAC's mother and was successful. Case Manager introduced herself to minor's mother and then handed the call to the UAC, minor spoke to her mother for approximately 15 minutes and there were no identified issues or concerns during the call. UAC's affect was flat however she demonstrated no emotional distress and appeared to be engaged in a constructive conversation with her mother.

Following conversation with her mother, UAC inquired about the possibility of reunifying with her brother Jose (21 years of age) whom recently arrived in the United States, UAC was informed care provider has attempted to reach out to her sibling however efforts have been unsuccessful, but UAC was reassured Case Manager would continue efforts to identify a viable sponsor. UAC is scheduled to make contact with mother twice a week, her next call is scheduled for Sunday, October 15, 2017.

Please note, at this time there are no additional updates to report, should any issues or concerns arise I will be sure to keep you posted, thank you and have a wonderful weekend.

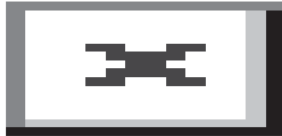
P.S. APD and myself will be attending a Texas Administrator's conference next week and will be away from the program from Monday 10/16-Wed 10/18, however, I will be available via cell phone (text) and will have limited access to review and respond to emails in a timely manner, therefore if there is a pressing matter please call me directly or text me and I will most definitely be available to respond to you. In addition, (b)(6)

(b)(6) are fully aware of details of this case and will be of service as needed, therefore I will have them assist as necessary.

(b)(6)

**IES Shelter Los Fresnos**  
**International Educational Services, Inc.**  
**P.O. Box 112**

Los Fresnos, TX 78566  
Phone: 956-233-5705 ext: 1410  
Cell: (b)(6)  
Fax: 956-233-3435  
[Jessica.martinez@iestex.org](mailto:Jessica.martinez@iestex.org)



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**CONFIDENTIALITY NOTICE:**

This message contains information which may be confidential or privileged. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this information is prohibited. If you have received this transmission in error, please notify me immediately by telephone and permanently delete the e-mail and any attachments immediately. Thank you.

---

**From:** Lloyd, Scott (ACF) [mailto:Scott.Lloyd@acf.hhs.gov]  
**Sent:** Thursday, October 12, 2017 4:45 PM  
**To:** (b)(6)@iestex.org  
**Cc:** White, Jonathan (ACF) <Jonathan.White@ACF.hhs.gov>; Brooks, Teresa (ACF) <Teresa.Brooks@ACF.hhs.gov>  
**Subject:** Re: State Court hearing

Received thank you

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On: 12 October 2017 17:25, (b)(6)@iestex.org wrote:  
Hello Mr. Lloyd, I apologize for my delay in responding to your email, I was in a meeting with program management team. Mrs. Lowenberg's contact information can be found below, please let me know if you have any additional questions or concerns, thank you

Cristina Lowenberg  
915-834-5736  
[Cristina.lowenberg@hhsc.state.tx.us](mailto:Cristina.lowenberg@hhsc.state.tx.us)

---

**From:** Lloyd, Scott (ACF) [mailto:Scott.Lloyd@acf.hhs.gov]  
**Sent:** Thursday, October 12, 2017 2:46 PM  
**To:** (b)(6)@iestex.org  
**Cc:** White, Jonathan (ACF) <Jonathan.White@ACF.hhs.gov>; Brooks, Teresa (ACF) <Teresa.Brooks@ACF.hhs.gov>  
**Subject:** RE: State Court hearing

(b)(6)

Sorry for the delay: do you have the contact information for Mrs. Lowenberg?

Thank you,  
Scott

---

**From:** (b)(6)@iestex.org]  
**Sent:** Thursday, October 12, 2017 1:47 PM  
**To:** Lloyd, Scott (ACF)  
**Cc:** White, Jonathan (ACF); Brooks, Teresa (ACF)  
**Subject:** RE: State Court hearing

Good Afternoon Mr. Lloyd,

I am writing to touch base with you regarding information requested by Texas residential licensing official, may I move forward with providing a copy of ORR memo and summary of case? Mrs. Lowenberg is expecting to hear from me and therefore I would like to acknowledge her request by providing her an update on the matter, if ORR determines it is best NOT to share the ORR Memo (Mar 21 2008) "Medical Services Requiring Heightened ORR Involvement", I can move forward you're your authorization of course and provide a simple synopsis of UAC's placement and status of her placement and request to terminate, please advise and thank you in advance, I will wait to hear from you, thank you again for your continued support and guidance.

(b)(6)

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**From:** (b)(6)  
**Sent:** Wednesday, October 11, 2017 10:33 PM  
**To:** Lloyd, Scott (ACF) <Scott.Lloyd@acf.hhs.gov>  
**Subject:** Re: State Court hearing

Thank you, received and have a restful evening Sir.

Jessica

---

**From:** Lloyd, Scott (ACF) <Scott.Lloyd@acf.hhs.gov>  
**Sent:** Wednesday, October 11, 2017 10:30 PM  
**To:** (b)(6)  
**Subject:** Re: State Court hearing

I see now-- I defer to the program's judgment on whether monitoring is advisable in this situation given the allegations of abuse.

---

On: 11 October 2017 23:19, (b)(6)@iestex.org> wrote:



Thank you so much for this, I wanted to be sure to inquire regarding phone call with mother because of allegations of abuse noted in legal proceedings and SIR.

Just to provide brief clarification as I hope my previous message did not imply some sort of infringement on UAC . As you know, at time UAC in care allege abuse, neglect or mistreatment at the hands of previous caretakers then ask to speak to same individuals, in these cases, we may take temporary precautionary measures (with proper approval and after staffing with all involved stakeholders) not explicitly addressed in ORR policy...it is more along the lines of ensuring that the persons that have contact with UAC in these cases are not known/alleged perpetrators of abuse/mistreatment. Therefore, arrangements can be made for UAC to be brought to the clinical office or case management office (private office) and either the assigned Clinician or assigned Case Manager is in the room while the UAC speaks with person on phone (not on speaker, UAC sits on one end of office and staff continue working while UAC conducts phone call). This allows CM or CL to monitor UAC's demeanor and ensure that nature and tone of call is appropriate and not affecting UAC in a negative manner, this can also be done from outside the room the UAC remains in line of sight but the staff will not overhear any portion of the discussion. Please rest assured we will adhere to all governing policies and ensure ORR remains informed of all information related to the case of this minor.

I will ensure program proceeds as directed, UAC will be granted telephone call with her mother as requested, again I appreciate your patience and guidance!!! Will standby for further guidance on other matters.

(b)(6)

---

**From:** Lloyd, Scott (ACF) <[Scott.Lloyd@acf.hhs.gov](mailto:Scott.Lloyd@acf.hhs.gov)>

**Sent:** Wednesday, October 11, 2017 9:22 PM

**To:** (b)(6)

**Cc:** White, Jonathan (ACF); Brooks, Teresa (ACF); Bowman, Matthew (HHS/OGC)

**Subject:** Re: State Court hearing

(b)(6)

thank you for the update.  
se reason.

I will address your other questions after double- checking.

Thank you,  
Scott

On: 11 October 2017 21:54, (b)(6)@iestex.org> wrote:

Good Evening,

Please be advised that UAC attended follow-up appointment with Obstetrician (b)(6) (b)(6) at RGV Women's Health Center on Monday, October 9th, 2017.

UAC was accompanied by program's Medical Coordinator (b)(6) on this visit. Hours prior to departing from program, Medical Coordinator (b)(6) met with UAC to discuss follow-up appointment to ensure her understanding and obtain UAC's consent to attend. Medical Coordinator informed the UAC that the purpose of visit was to inquire about the possibility of obtaining medical clearance for UAC to increase physical activity in order to partake in light to moderate group dance exercise. UAC stated she understood and verbally consented to attending scheduled follow-up appointment with OB/GYN. Previously UAC requested care provider seek medical clearance from OB in order for her to partake in "Zumba", UAC was having difficulty adjusting to medical restrictions and verbally requested restrictions be reviewed and reconsidered by OB/GYN. However, as previously stated (b)(6) issued the following "UAC must remain no NO PHYSICAL ACTIVITY until further notice. NO SWIMMING, NO RUNNING, NO ZUMBA, NO DANCING, NO STRENUOUS EXERCISE. UAC MAY take BRISK WALKS. "

Medical Coordinator informed program administration that (b)(6) also informed UAC of lab results (drawn on 9/11/17) returned within normal limits and that ZIKA test (conducted on 9/11/17) had returned "Negative". NO ultrasound or sonogram was completed during visit on 10/9/17.

To conclude the visit on 10/9/17, (b)(6) and his Nurse, informed UAC that during the first trimester between 11-14 weeks gestation (UAC is currently 14 weeks) it is recommended that ALL pregnant females undergo "1st Trimester NT (nuchal translucency screening)" (b)(6) explained to UAC in the presence of his nurse and program Medical Coordinator that the screening involves undergoing an ultrasound to screen for fluid build-up in the fetuses upper spine/neck to detect cardiovascular abnormalities, Down Syndrome and other abnormalities in the fetus. UAC was given the opportunity to ask questions and/or voice concerns. UAC stated she understood the information provided to her, stated she had no concerns or questions and voiced agreement and verbally consented to the screening/procedure. The nurse informed UAC and Medical Coordinator that the UAC would be referred to Driscoll Maternal and Fetal Medicine with (b)(6) for 1st Trimester Screen (NT Screen). (b)(6) explained she would provide specialty appointment time and date prior to UAC departing from medical office.

On 10/9/17 (b)(6) confirmed specialty appointment for 10/11/2017 at 2:30PM. Please be note, UAC agreed to 1st Trimester Screen (NT Screen) during

medical visit with OB/GYN on 10/09/17 and also issued consent to screening during initial OB visit on 09/11/2017.

On 10/11/17, UAC attended speciality appointment at Driscoll Maternal Fetal Medicine for the sole purpose of undergoing 1st Trimester NT screening (Nuchal translucency screening). UAC was accompanied by Medical Coordinator (b)(6). UAC consented to screening and was informed results would be reviewed with her at during next OB/GYN appointment with (b)(6). (b)(6) she stated she understood and denied having any questions or concerns. Following the NT screening/scan, labwork was conducted as part of the NT screening. UAC was offered the opportunity to ask questions and share concerns, she denied having any questions or concerns.

Please note that NT (nuchal translucency) is a standard first trimester screening (11-14 weeks gestation) that all pregnant females undergo it is considered a standard screening during prenatal care, more specifically any and all UAC in care undergo this screening as recommended by OB/GYN. Please be reminded that OB/GYN has not been informed of legal proceedings involving this UAC and/or her request to terminate pregnancy. Care provider is still pending guidance from ORR/OGC on this matter, we will NOT inform medical provider unless authorized to do so by ORR.

On a separate note, please be advised that UAC continues to request to make telephone contact with her mother in home country, she issued request yesterday 10/10 and today 10/11. At this time we are pending response from ORR and/or OGC as to whether the UAC may make contact with her mother and whether telephone contact must be monitored by care provider.

Finally, please be advised that I was contacted by Regional Supervisor of Residential Child Care Licensing (Cristina Lowenberg) regarding this UAC and the increasing media coverage, specifically article published on 10/11/17 in the Texas Standard <https://www.texastribune.org/2017/10/10/undocumented-teenager-seeks-court-authorization-abortion-after-federal> Mrs. Lowenberg explained that residential licensing understands that the nature of this situation is critical and delicate, she explained that licensing is responsible for ensuring we are NOT forcing any child in care to undergo pregnancy termination, however RCCL also has the duty to ensure the health, safety and overall well-being of all children in care at licensed residential facilities. Mrs. Lowenberg has requested that I provide a detailed synopsis of this UAC and legal proceedings surrounding her request to terminate pregnancy. The purpose of her request is to ensure her office is prepared to respond to any formal inquiries regarding the placement and care minor is receiving in our residential facility. My plan is to issue licensing a brief biographical/historical summary of the minor and her family, reunification status and many of legal proceedings up to this point. Mrs. Lowenberg specifically requested ORR policy on this matter, however I understand that specific policy on this matter is not available therefore, I wanted to touch base with you to inquire about the possibility of sharing the ORR official Memo (Mar 21 2008) "Medical Services Requiring Heightened ORR Involvement", please advise.